



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित.

खण्ड: 18]

शिमला, शनिवार, 17 अक्टूबर, 1970/25 आश्विन, 1892

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17 अक्टूबर, 1970/25 आश्विन, 1892 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुई:-

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 6-9/70-LR, dated the 6th October, 1970.	Law Department	The Himachal Pradesh Entertainments Duty (Amendment) Act, 1970 (Act No. 20 of 1970).
No. 6-7/70-LR, dated the 7th October, 1970.	-do-	The Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) (Amendment) Act, 1970 (Act No. 21 of 1970).

भाग 1—बंधानिक नियमों को छोड़ कर हिमाचल प्रदेश के उप-राज्यपाल और हिमाचल बेंच आफ़ देहली हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

देहली हाई कोर्ट

NOTIFICATION

New Delhi, the 25th September, 1970

No. 69/Estt. The Hon'ble the Chief Justice has been pleased to grant to Shri S. P. Thaplyal, Private Secretary, Himachal Bench of Delhi High Court at Simla, earned leave from 10-4-1970 to 16-5-1970, with permission to suffix the 17th May, 1970, being Sunday.

It is certified that Shri Thaplyal, would have continued to officiate as Private Secretary, but for his proceeding on leave.

It is further certified that Shri Thaplyal, was likely to return to the same post and station after the expiry of leave.

GURU DATTA,
Registrar.

हिमाचल प्रदेश सरकार APPOINTMENT DEPARTMENT NOTIFICATIONS

Simla-2, the 28th September, 1970

No. 10-2/68-Apptt. In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri P. S. Negi, Sub-Divisional Officer (Civil), Keylong to be the Magistrate of the First Class under the said Code to exercise the powers as such within the local limits of Sub-Division Keylong of Lahaul and Spiti district with immediate effect.

2. In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh is further pleased to place Shri P. S. Negi, Incharge of the Sub-Division Keylong, District Lahaul and Spiti to be called Sub-Divisional Magistrate, Keylong, District Lahaul and Spiti.

A. N. VIDYARTHI,
Joint Secretary.

Simla-2, the 6th October, 1970

No. 10-2/68-Apptt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898) as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Administrator (Lieutenant Governor), Himachal Pradesh is pleased to appoint Shri Sher Singh, Extra Assistant Settlement Officer, District Kangra to be the Executive Magistrate of the First Class, under the said Code, to exercise such powers within the local limits of Kangra district with effect from the date of taking over.

PRAKASH CHAND,
Joint Secretary.

Simla-2, the 6th October, 1970

No. 10-5/67-Apptt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Administrator (Lieutenant Governor), Himachal Pradesh, is pleased to appoint Shri G. L. Sharma, Naib-Tehsildar, Chamba, District Chamba, to be the Magis-

trate of the Third Class, with all the powers of a Magistrate 3rd Class, under the said Code, to be exercised within the local limits of Tehsil Chamba, District Chamba, with immediate effect.

A. N. VIDYARTHI,
Joint Secretary.

ANIMAL HUSBANDRY DEPARTMENT NOTIFICATION

Simla-4, the 3rd October, 1970

No. 18-5/69-AH (Sectt).—The Administrator (Lieutenant Governor), Himachal Pradesh with the prior agreement of the Union Public Service Commission obtained vide their letter No. F. 2/8 (2C)/70-ATV, dated the 1st August, 1970 is pleased to order the continuance of the *ad hoc* appointments of the following officers in the Department of Animal Husbandry, Himachal Pradesh for the period upto 31st March, 1971:—

- (1) Shri K. C. Nayyar, Deputy Director of Animal Husbandry in Class I Gazetted scale of Rs. 350-40-630/40-870.
- (2) Shri J. N. Batta, Manager Sheep Breeding Farm, Chamba, in Class II Gazetted scale of Rs. 250-25-550/25-750.
- (3) Shri R. S. Parmar, District Animal Husbandry Officer, Class II Gazetted scale of Rs. 250-25-550/25-750.
- (4) Shri V. S. Thapar, District Animal Husbandry Officer, Class II Gazetted scale of Rs. 250-25-550/25-750.

K. R. SHANDIL,
Under Secretary.

EXCISE AND TAXATION DEPARTMENT ORDER

Simla-2, the 30th September, 1970

N., 2-33/69-E&T.—The Administrator (Lieutenant Governor), Himachal Pradesh on the recommendations of the Departmental Promotion Committee is pleased to order promotions of following permanent Excise and Taxation Inspectors as Assistant Excise and Taxation Officers in the scale of Rs. 250-15-340/15-450 purely on *ad hoc* basis and their postings at the places shown against them, with immediate effect:—

- (1) Shri Tulsi Ram, Assistant Excise and Taxation Officer, Mahasu district at Kulu, Inspector, Kulu.
- (2) Shri Inder Singh, Assistant Excise and Taxation Officer, Kulu, vice Shri Bakhtawar Singh A.E.T.O. transferred to Simla.
- (3) Shri Rup Lal Gupta, Assistant Excise and Taxation Officer, Sirmur district, Inspector, Simla.
- (4) Shri S. D. Chauhan, Assistant Excise and Taxation Officer, Chamba, Inspector, Dharamsala.

2. The Administrator (Lieutenant Governor), Himachal Pradesh is further pleased to order the transfer of Shri Bakhtawar Singh, Assistant Excise and Taxation Officer, Kulu to Simla against the existing vacancy.

By order,
U. N. SHARMA,
Secretary.

FINANCE DEPARTMENT
(REGULATIONS AND EXPENDITURE BRANCH)
NOTIFICATIONS

Simla-2, the 30th September, 1970

No. 12/2/69-Fin. (R&E).—In supersession of this department's notifications No. 12-52/65-Fin. (R&E), dated the 29th December, 1966 and 9th January, 1967, the Lieutenant Governor, Himachal Pradesh, in exercise of the powers vested in him under Supplementary Rule 2 (10) read with item 43 of Appendix 14 of the P&T Compilation of Fundamental and Supplementary Rules 3, Vol. II is pleased to declare the Deputy Secretary to the Government of Himachal Pradesh, Finance Department as Head of Department under the following heads of accounts in respect of the Treasuries and Accounts Organisation (headquarters) and Treasuries Organisation Staff:—

- (i) 19—General Administration-C-Secretariat and Attached Offices-C-I-Civil Secretariat-C-I (6)-Headquarter Staff of the Treasuries and Accounts Organisation.
- (ii) 19—General Administration-E-District Administration-E-4-Treasury Organisation.

By order,
PREM RAJ MAHAJAN,
Secretary.

Simla-2, the 3rd October, 1970
(SCHEME FOR THE CONDUCT OF HIMACHAL PRADESH LOTTERIES)

No. 12/13/69-Fin (R&E)—1. The value of the ticket for the lottery will be Re. 1. each ticket book will contain 100 tickets or such number as may be considered necessary by Government.

2. *Distribution of tickets.*—Tickets be distributed through Sale Agent or Authorised Agents. The minimum number of tickets to be sold will be 100 in the case of Authorised Agents and tickets with at least 15 lakhs in the case of Sale Agents. It will be open to an agent to make purchases of any number of ticket books. Tickets once issued will not be returnable but, will be treated as sold. Tickets will not be issued on credit basis under any circumstances. For further details rules framed in this behalf may be referred to.

3. Employees of Panchayats, Municipalities and other institutions are permitted to take up agency for the sale of tickets on the same conditions as for private individuals.

4. Sale booths directly run by the State Government will be opened at all District Treasuries and other important centres, to augment sale of tickets through Authorised Agents.

5. Arrangements will be made for the sale of tickets on agency basis at the headquarter of the Union territory also. Notwithstanding, anything contained in this order, the Government may adopt either the Sale Agency system or Authorised Agents system for the distribution of tickets, etc., any time on the basis of the action working of the scheme of Himachal Lottery.

6. Tickets will be supplied to all authorised agents and sale booths, well before the date fixed for the commencement of the sale of tickets. It will be the responsibility of every purchaser to keep his ticket(s) in safe custody, as the prizes will be given to the holders of tickets only.

7. Before the closing date of the draw the agents and the Government salesmen should return the counterfoils of the sold tickets. The unsold tickets in stocks will be destroyed immediately after each draw in the presence

of the Judges. Separate sets of tickets will be issued for each draw.

8. A commission of 25% of the value of the tickets will be paid to the agents. They will be allowed to deduct commission while purchasing the tickets books. The rate of commission may be varied by Government from time to time.

9. Special commission will be allowed as follows:—

- (i) 1% if the total collection exceeds Rs. 1,000.
- (ii) 2% if the total collection exceeds Rs. 5,000.
- (iii) 5% if the total collection exceeds Rs. 10,000.

The rate of special commission may be varied by Government from time to time.

10. *Prizes.*—The number and value of prizes in first draw will be as follows. Government may change the number and value of the prizes from time to time.

	No. of prizes	Value of each prize	Total value of the prizes
		Rs.	Rs.
1st prize	1	1,00,000	1,00,000
2nd prize	2	20,000	40,000
3rd prize	4	5,000	20,000
4th prize	20	1,000	20,000
5th prize	40	500	20,000
6th prize	100	100	10,000
Consolation prizes	200	50	10,000

Special prizes to Agents

1st prize	1	500	500
2nd prize	1	350	350
3rd prize	1	150	150
Total prizes	367	Total	2,21,000

11. *Conduct of draw.*—The first draw of the prizes will be held as soon after the issue of this notification as possible at Simla in the presence of five Judges to be selected from eminent officials and non-officials and subsequent draws at such intervals as may be fixed by Government from time to time.

12. The system of draw will be the one followed by the Government of India for draw of prizes of the Prize Bonds with suitable modifications.

13. The result of every draw will be published in the leading Newspapers in the country and also notified in the Himachal Pradesh Rajpatra. The holders of the prize winning tickets except first, second and third, shall send by registered post a simple Advance receipt for the amount of the prize, to the Officer Incharge, Himachal Pradesh Lotteries along with the prize winning ticket, after affixing their signatures on the reverse of the ticket as also their full address. The holders of the prize winning tickets of first, second and third prizes, shall produce their tickets in person to the Officer Incharge, Himachal Pradesh Lotteries, Simla-2, after affixing their signatures on the reverse of the tickets as also their full address. The prize for the amounts upto Rs. 100 shall be remitted to the winners by Money Order and prizes for the amounts exceeding Rs. 100 shall be paid by Bank Draft. Foreign prize winning ticket holders will be paid in the Indian currency. All prize winning tickets shall be surrendered by the holders thereof within 30 days of the publication of the result in Himachal Pradesh Rajpatra. The prizes not claimed within this period shall lapse to Government. The Officer Incharge, Himachal Pradesh.

Lotteries may, however, extend the period upto 3 months where satisfied that the claim could not be preferred by holder due to circumstances beyond his control.

14. *Prizes to agents.* After each draw a list of agents who have sold tickets will be drawn up and three special prizes of Rs. 500, Rs. 350 and Rs. 150 will be awarded to three agents who top the list.

15. *Printing of tickets.* The tickets will be printed in Himachal Government Press, Simla or at any other Press of repute as may be considered necessary by Government. Necessary security arrangements will be made for this purpose. The cost of paper and printing charges will be reimbursed to the Printing Press. As a check against unauthorised printing and sale of tickets, the facsimile signature of the Finance Secretary, Himachal Pradesh Government will be printed on the tickets. Details of the prizes, date of draw and other relevant particulars will be printed on the tickets. There will also be a counterfoil to the tickets which should be returned by the agents or salesmen to the head office.

16. *Audit.* The accounts of Himachal Pradesh Lotteries will be audited like other Departments of the Government.

P. R. MAHAJAN,
Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-2, the 28th September, 1970

No. 1-158/70-H&FP.—The Lieutenant Governor, Himachal Pradesh is pleased to appoint Dr. Mrs. Suman Dattal as Civil Assistant Surgeon grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 8-8-1970 (F.N.), or till the post is filled up in accordance with the Central Health Service Rules, whichever is earlier.

Simla-2, the 28th September, 1970

No. 1-161/69-H&FP.—The Lieutenant Governor, Himachal Pradesh, is pleased to appoint Dr. Mrs. M. Kanwal as Civil Assistant Surgeon, Grade I (Gazetted), in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 28-7-1970 (F.N.), or till the post is filled up in accordance with the Central Health Service Rules, whichever is earlier.

S. L. TALWAR,
Under Secretary.

Simla-2, the 29th September, 1970

No. 1-43/69-H&FP.—The Administrator (Lieutenant Governor), Himachal Pradesh, in consultation with the Union Public Service Commission is pleased to extend the *ad hoc* appointment of Dr. Om Parkash as P.C.M.S.I. in the scale of Rs. 750-50-1000/50-1250 upto 31-12-1970 or till he is absorbed in the appropriate cadre of the Central Health Service, whichever is earlier.

Simla-2, the 30th September, 1970

No. 1-191/69-H&FP. Lieutenant Governor, Himachal Pradesh is pleased to accept the resignation of Dr. Amarjit Singh Bedi, C.A.S. Grade I (Gazetted) with effect from 1-8-1970 (A.N.).

H. R. MAHAJAN,
Secretary.

INDUSTRIES DEPARTMENT NOTIFICATION

Simla-4, the 6th October, 1970

No. 4-2/70-SI.—The Lieutenant Governor, Himachal Pradesh, is pleased to constitute the State Level Advisory Committee on Handicrafts Designs consisting of the following:—

- | | | |
|--|----|-------------------|
| 1. Shrimati S. V. Dang, M.P. | .. | Chairman |
| 2. Shri Sukhchen Singh Negi, Master-craftsman (Weaving) V.P.O. Sangla, District Kinnaur | .. | Member |
| 3. Thakur Ved Ram, President, Bhuti Weavers, Co-operative Society, P.O. Mohul, District Kulu | .. | Member |
| 4. Secretary Industries, Himachal Pradesh | .. | Member |
| 5. Director of Industries, Himachal Pradesh | .. | Member-Secretary. |

Technical Organiser and Survey Officer (Handicrafts) Industries Department, Himachal Pradesh will remain in attendance during the meetings.

2. The terms of reference of the Committee will be as under:—

To recommend to the Government the measures to be taken for the restoration, revival, preservation and development of Handicrafts of the Pradesh, based upon traditional designs.

3. *Period of report.*—The Chairman of the Committee shall submit report to the Himachal Pradesh Government within three months from the date of issue of this notification.

4. For attending meeting of the Committee the non-official members would be entitled to travelling allowances and daily allowance as under:—

A. TRAVELLING ALLOWANCE:

(i) *Journey by rail:*

(a) *Member of Parliament.*—The member of Parliament will utilize the free first class railway pass issued to such member in respect of all rail journeys undertaken on business of Committee. The member will not travel by air-conditioned accommodation at Government expense. If the member travels by air-conditioned coach, in that case the difference between the fare for the air-conditioned and first class accommodation shall be borne by the member. The Member of Parliament will be paid incidental charges at the rate of 8 paise per kilometer for each single journey performed by rail.

(b) *Non-official members other than Members of Parliament.*—They will be treated at par with Government servants of the first grade, and will be entitled to a single fare of the class of the accommodation actually used but not exceeding the fare to which the Government servants of the first grade are normally entitled, i.e., accommodation of the highest class by whatever name it may be called; provided on the railway excluding air conditioned accommodation by which the journey is performed plus an allowance for incidental expenses at the rate of 35 paise per every 10 kilometers or part thereof, if the journey exceeds 5 kilometres, restricted to one daily allowance at ordinary rate for every twenty-four hours or part thereof subject to a minimum of Rs. 3.00

(ii) *Journey by road:*

In respect of journeys by road between places connected by rail, a member will be entitled to road mileage admissible to an officer of the first grade under the rules and at the rates as applicable to the employees of the Government of Himachal Pradesh.

In a case where journey between two places connected by rail is performed by road, rail being the ordinary mode of travelling the road mileage will be regulated as under:—

- (1) When a journey is performed by taking a single seat in a public conveyance, the members will be entitled to:—
 - (i) actual fare paid for a seat in the public conveyance plus incidentals admissible as per a journey by rail; or
 - (ii) the lower rate of road mileage prescribed in the rules for Government servants limited to rail mileage; whichever is less.
- (2) When the journey is performed otherwise, the higher rate of road mileage, but limited to rail mileage will apply.

B. DAILY ALLOWANCE:

(i) The non-official members other than Member of Parliament will be entitled to daily allowance for each day of the meeting at the highest rate admissible to a Government servant of the first grade for the respective locality.

(ii) The non-official member who is also Member of Parliament will be entitled to a daily allowance for each day of the meeting of the Committee except when the Parliament or Parliament Committee on which the member is serving is in session at the highest rate admissible to a Government servant of the first grade, for the respective locality.

(iii) In addition to the daily allowance for the day(s) of the meeting, a member shall also be entitled to full allowance for the day following the meeting if:—

- (1) he/she arrives in the forenoon of the day preceding the day of the meeting or on an earlier day, and/or
- (2) he/she departs at 12 noon or in the afternoon of the day following the day of the meeting or on a later day.

But he/she will be entitled to only half daily allowance for the day preceding and/or for the day following the meeting if:—

- (1) he/she arrives at 12 noon or in the afternoon of the day preceding the day of the meeting, and/or
- (2) he/she departs in the forenoon of the day following the day of the meeting.

(iv) Daily allowance will be subject to the usual condition laid down in Supplementary Rule 73, as amended from time to time.

C. CONVEYANCE ALLOWANCE:

A non-official member resident at a place where meeting of the Committee is held will not be entitled to travelling and daily allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hire subject to a maximum of Rs. 10.00 per day. Before the claim is actually paid the controlling officer should verify the claim and satisfy himself after obtaining such details as may be considered necessary, that the actual expenditure was not less than the claimed amount. In cases, he is not satisfied with the details, he may at his discretion, limit the conveyance allowance to road mileage.

If such a member uses his/her own car, he/she will be granted mileage allowance at the rates admissible to officials of the first grade subject to a maximum of Rs. 10.00 per day.

(d) The travelling and daily allowances will be admissible to a member on production of a certificate by him/

her to the effect that he/she has not drawn any travelling or daily allowance for the same journey and halts from any other Government source.

(e) The non-official members will be eligible for travelling allowance for the journey actually performed in connection with the meetings of the Committee from and to the place of their permanent residence to be named in advance. If any member performs a journey from a place other than the place of his permanent residence to attend a meeting of the Committee or returns to a place other than the place of his/her permanent residence after the termination of the meeting travelling allowance shall be worked out on the basis of the distance actually travelled or the distance between the place of permanent residence and the venue of the meeting, whichever is less.

(f) The provisions of Rule 224 of the Central Treasury Rules will apply *mutatis mutandis* in the case of over-payments made on account of travelling allowance to non-official members.

4. The Director of Industries will be the controlling officer in regard to the countersigning of the travelling allowance bills of the non-official members, and the travelling allowance bills will be scrutinised and prepared in the office of the Director of Industries, Himachal Pradesh, Accounts Section (Ind-I Branch).

5. The expenditure will be debitable to head "35-Industries B-12 (4) Survey of Handicrafts B-12 (4) (3) other charges (Non-Plan)".

By order,
P. K. MATTOO,
Secretary.

AMENDMENT

Simla-4, the 7th October, 1970

No. 2-53/69-SI (ML).—In this department's notification bearing even number, dated the 17th March, 1970, regarding amendment to Punjab Minor Mineral Concession Rules, 1964, the year of amendment mentioned as 1968 in sub-para (i) may be amended to read as 1970.

HARSH GUPTA,
Joint Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-2, the 25th September, 1970

No. 2-35/70-PWD.—Whereas the Lieutenant Governor, Himachal Pradesh is satisfied that the land is needed by the Government at public expense for a public purpose, namely for construction of Residential colony for Government employees, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-1, is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-1.

SPECIFICATION					1	2	3	4	5
District: MAHASU		Tehsil: KASUMPTI				284	0	5	
						285	0	7	
						498/294	2	11	
						295	0	0	81
						296	0	0	81
						298	0	1	
						297	4	15	
						276	0	2	
						412/1	0	0	129
						412	0	1	
						413	0	1	
						414	0	0	112
						415	0	1	
						416	0	0	115
						417	0	0	112
						418	0	1	
						419	0	3	
						420	0	1	
						Total	91	6 plus	792 sft.
						By order, U. N. SHARMA, Secretary.			
					REVENUE DEPARTMENT				
					NOTIFICATIONS				
					Simla-2, the 30th September, 1970				
					No. 6-19/69-(Rev. I).—The War Jagir of the annual value of 100.00 (Rupees one hundred) only sanctioned in favour of Shri Sahnu Ram s/o Shri Jodha Ram of Village Dohar Patta, Tehsil Hamirpur, District Kangra vide this Department notification No. 6-4/69(Rev. I)(II), dated 29-12-1969 is hereby cancelled.				
					By order, S. N. BISARYA, Under Secretary.				

SPECIFICATION				
District: MAHASU	Tehsil: KASUMPTI			
Village I	Khasra No. 2	Area Big. Bis. Sft. 3 4 5		
KASUMPTI	433	0	12	
	279	2	17	
	282	1	14	
	280	0	15	
	281	0	7	
	278	0	0	162
	277	19	3	
	241	2	3	
	242	5	0	
	243	1	5	
	245	0	6	
	239	8	6	
	240	1	6	
	237	2	2	
	238	0	15	
	291	2	4	
	292	0	14	
	290	0	4	
	287	9	7	
	288	0	11	
	289	0	4	
	293	0	2	
	499/294	6	11	
	501/302	1	0	
	299	0	5	
	300	0	6	
	301	0	5	
	306	0	17	
	505/307	1	0	
	305	0	1	
	503/303/2	9	2	
	503/303/1	2	10	
	304	0	1	
	283	0	19	

In exercise of the powers conferred by section 3 (1-A)/3(1)(a)/3(1)(b)(i) of the East Punjab War Awards Act, 1948, read with the Government of India, Ministry of Home Affairs, notification No. S.O. 3370, dated the 1st November, 1966, the Lieutenant Governor, Himachal Pradesh is pleased to make a grant of war Jagirs of the annual value of Rs. 100.00 each (Rupees one hundred) only in favour of the undermentioned persons as award for war services rendered by their respective son/sons subject to such conditions as to its enjoyment as are contained in their respective sanads of the Jagir granted to them in this behalf :—

No. 6-3/70(Rev. I).

Simla-2, the 5th October, 1970

Serial No.	No. of son in Armed Forces	Name/parentage of the grantee	Particulars about residence	Annual amount of war Jagir effective
			Village, Tehsil of District Kangra	Rabi/Kharif
1	2	3	4	5
1.	One	Shri Dalku Ram s/o Shri Parma Ram	Kangra, Gojhu	Rs. 100 P.A., (Kharif, 1965)
2.	Three	Shrimati Prem Kali wd/o Shri Rattan Bhadur	Kangra, Forest Ganj.	Rs. 100 P.A., (Kharif, 1967)
3.	One	Shri Dhian Singh s/o Shri Hardit Singh	Chatru, Kangra	Rs. 100 P.A., (Rabi, 1966)
4.	One	Shri Jodha Ram s/o Jharu Ram	Bhadiara, Kangra	Rs. 100 P.A., (Kharif, 1965)
5.	One	Shri Suja Ram s/o Shri Suaru Ram	Luhna, Kangra	Rs. 100 P.A., (Kharif, 1965)
6.	One	Shri Salig Ram s/o Shri Nandu	Dhaloon, Kangra	Rs. 100 P.A., (Rabi, 1966)

1	2	3	4	5
No. 6-7/69-(Rev I)(II).			Simla-2, the 5th October, 1970	

1.	One	Shri Sant Ram s/o Shri Masadi Ram	Dhallon, Kangra	Rs. 100 P.A., (Kharif, 1965)
2.	One	Shri Chuhru Ram s/o Shri Lalman	Manai, Kangra	Rs. 100 P.A., (Kharif, 1965)
3.	One	Shri Makhauli Ram s/o Shri Chamaru Ram	Nadi, Kangra	Rs. 100 P.A., (Kharif, 1965)
4.	One	Shrimati Bhawani wd/o Shri Kalu	Chari, Kangra	Rs. 100 P.A., (Kharif, 1965)
5.	One	Shrimati Karodhu Devi wd/o Shri Bura Ram	Tiara, Kangra	Rs. 100 P.A., (Kharif, 1965)
6.	One	Shri Prabhu Ram s/o Shri Kirpa Ram	Saran, Kangra	Rs. 100 P.A., (Kharif, 1965)
7.	One	Shrimati Kajo wd/o Shri Masadi Ram	Tangroti, Kangra	Rs. 100 P.A., (Kharif, 1965)
8.	One	Shri Tuhnu Ram s/o Shri Ghungar	Massal, Kangra	Rs. 100 P.A. (Kharif, 1965)

No. 6-1/70-(Rev.I)(1).			Simla-2, the 6th October, 1970	
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1.	One	Shri Rumi s/o Shri Porkhi	Nana, Nurpur	Rs. 100 P.A., (Kharif, 1965)
2.	One	Shri Amar Nath s/o Shri Beli Ram	Tiukari, Nurpur,	Rs. 100 P.A., (Rabi, 1966)
3.	One	Shrimati Mahanti Devi wd/o Shri Makahn Singh.	Jol, Nurpur	Rs. 100 P.A., (Kharif, 1965)

Simla-2, the 6th October, 1970

No. 6-4/70(Rev.I)(1).—In exercise of the powers conferred by sections 2(a)(i) and 3(1)(a) of the East Punjab War Awards Act, 1948, as amended up-to-date read with the Government of India, Ministry of Home Affairs, notification No. S.O. 3370, dated the 1st November, 1966, the Lieutenant Governor, Himachal Pradesh is pleased to make grant of war jagirs of the annual value of Rs. 100 each (Rupees one hundred) only in favour of the undermentioned persons as award for war services rendered by their respective son/sons subject to such conditions as to its enjoyment as are contained in their respective sanads of the jagir granted to them in this behalf:—

Serial No.	No. of sons in Armed Forces	Name/parentage of the grantee	Particulars of residence		Annual amount of War Jagir effective
			Village/Tehsil of Kangra	District	
1	2	3	4		5
1.	One	Shrimati Jasodha Devi wd/o Shri Diwan Singh.	Sanehar, Palampur		Rs. 100 P.A., (Kharif, 1965)
2.	One	Shrimati Sita Devi wd/o Shri Jit Singh	Jamrela, Palampur		Rs. 100 P.A., (Kharif, 1965)
3.	One	Shri Narang Lal s/o Shri Lohara	Chouki, Palampur		Rs. 100 P.A., (Kharif, 1965)
4.	One	Shrimati Dei Devi wd/o Shri Balia	Dhug, Palampur		Rs. 100 P.A., (Kharif, 1965)
5.	One	Shrimati Gaytri Devi wd/o Shri Sita Ram	Aima Bandla, Palampur		Rs. 100 P.A. (Kharif, 1965)
6.	One	Shrimati Kirpi Devi wd/o Shri Sarwan Chand	Malkher, Palampur		Rs. 100 P.A., (Kharif, 1965)

*Subject to the condition that if her husband is eventually traced, the grant will be liable to be cancelled and the claim considered afresh.

S. N. BISARYA,
Under Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएँ इत्यादि

OFFICE OF THE REGISTRAR, CO-OPERATIVE SOCIETIES (PRIMARY), KINNAUR DISTRICT KALPA (HIMACHAL PRADESH)

ORDER

Kalpa, the 3rd October, 1970

No. Co-op. 17(129)/57-III.—In exercise of the powers conferred upon me under section 104 of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956 read with Co-operative Department notification No. 10/106/60-Cp-op., dated the 26th June, 1964, I, Captain Kr. Satpal Singh, Registrar, Co-operative Societies (Primary), Kinnaur district, Kalpa do hereby appoint Shri Keshav Ram Gupta, Inspector, Co-operative and Supplies, Kalpa as Liquidator of the Reckong Peo Public Servant Co-operative Multipurpose Society Ltd., Peo vice Shri

Kewal Ram Verma, Auditor Co-operative Societies, Kinnaur district (Transferred) Liquidator of the society. The present orders are in supersession of this office order of even number, dated the 1st June, 1968, and these orders shall take retrospective effect from the date on which Shri Keshav Ram Gupta took over formal charge from Shri Kewal Ram Verma.

The said Shri Keshav Ram Gupta shall in the performance of his duties as Liquidator exercise all powers under section 105 of the Himachal Pradesh Co-operative Societies Act No. 13 of 1956.

Kr. SATPAL SINGH CAPT.,
Registrar.

**OFFICE OF THE DISTRICT INDUSTRIES OFFICER
CHAMBA (HIMACHAL PRADESH)**

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Sardari Lal s/o Shri Chhajju Ram resident of Mohalla Charpat, Chamba Town, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Sardari Lal to pay to me the sum of Rs. 2,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 2,000 and interest thereon (up-to-date) is due from Shri Sardari Lal and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to Shri Sardari Lal Loanee.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62. Whereas a notice was served on Shri Dina Nath s/o Shri Tulsi Ram resident of Mohalla Sapri, Chamba Town, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Dina Nath to pay to me the sum of Rs. 2,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 2,000 and interest thereon (up-to-date) is due from Shri Dina Nath and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to Shri Dina Nath Loanee.

V. P. SOOD,
District Industries Officer

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62. Whereas a notice was served on Shri Amin Chand s/o Shri Durga Dass resident of Mohalla Hatnala, Chamba Town, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Amin Chand to pay to me the sum of Rs. 1,833.33 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,833.33 and interest thereon (up-to-date) is due from Shri Amin Chand and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

NDouble storeyed pucca shop comprised in Khasra o. 3636 situated in Chowgan Bazar, Chamba Town.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Bhagmal s/o Shri Shiama resident of Mohalla Dharog, Chamba Town, District Chamba (Himachal Pradesh) on 31-1-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Bhagmal to pay to me the sum of Rs. 1,860 only on or before 14-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,860 and interest thereon (up-to-date) is due from Shri Bhagmal and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

House and land comprising Khasra No. 6156, Khata No. 758/1170 situated in Mohalla Ravidasnagar, Chamba Town.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Jagat Ram s/o Shri Paras Ram resident of Mohalla Dharog, Chamba Town, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Jagat Ram to pay to me the sum of Rs. 2,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 2,000 and interest thereon (up-to-date) is due from Shri Jagat Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Land comprising Khasra No. 6052, 6056, 6057, 6058, 6059, 6060, 6061 and one double storeyed house consisting of two rooms standing on the land comprising Khasra No. 6057 situated in Mohalla Dharog, Chamba Town.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Sucheta Ram s/o Shri Shankar resident of Mohalla Ravi Dass Nagar, Chamba Town, District Chamba (Himachal Pradesh) on 2-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Sucheta Ram to pay to me the sum of Rs. 1,940 only on or before 16-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,940 and interest thereon (up-to-date) is due from Shri Sucheta Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

(i) Half share of the land comprised in Khasra No. 6062, 6077, 6078, 6079 situated in Chamba Town, measuring 112 square yards, 4 square feet.

- (ii) half share of the double storeyed building consisting of two rooms standing on the land comprised Khasra No. 6078 situated in Chamba Town, Tehsil and District Chamba.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Bansu Ram s/o Shri Nodha resident of Mohalla Dharog, Chamba Town, District Chamba (Himachal Pradesh) on 12-2-68 under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Bansu Ram to pay to me the sum of Rs. 600 only on or before 31-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 600 and interest thereon (up-to-date) is due from Shri Bansu Ram, and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Smt. Hussain Bibi w/o Shri Abdul Hafiz resident of village Thali, Post Office Tissa, Tehsil Tissa, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Smt. Hussain Bibi to pay to me the sum of Rs. 825 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 825 and interest thereon (up-to-date) is due from Smt Hussain Bibi and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee and her sureties.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Smt. Kayan Devi w/o Shri Vidya Dhar resident of village Kiyani, Tehsil and District Chamba, (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shrimati Kayan Devi to pay to me the sum of Rs. 1,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,000 and interest thereon (up-to-date) is due from Shrimati Kayan Devi and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee and her sureties.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Bhagat Ram s/o late Shri Amar Singh resident of village Sondal, Post office Mehla, Tehsil Chamba, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Bhagat Ram, to pay to me the sum of Rs. 833.32 only on or before 30-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 833.32 and interest thereon (up-to-date) is due from Shri Bhagat Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Sarban Dass s/o late Shri Moti Ram resident of Mohalla Dharog, Chamba Town, District Chamba (Himachal Pradesh) on 12-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Sarban Dass to pay to me the sum of Rs. 1,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,000 and interest thereon (up-to-date) is due from Shri Sarban Dass and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

One-half share of land comprised in Khasra No. 6264, 6265, 6279, 6280, 6281 and 6282 measuring 1064 square yards, 2 square feet situated in Mohalla Dharog, Chamba Town.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62.—Whereas a notice was served on Shri Mohan Lal s/o Shri Singhu resident of Mohalla Chowgan, Chamba Town, District Chamba (Himachal Pradesh) on 8-2-1968 under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Mohan Lal to pay to me the sum of Rs. 1,250 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,250 and interest thereon (up-to-date) is due from Shri Mohan Lal and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee and his sureties.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62. —Whereas a notice was served on Shri Tej Ram s/o Shri Behmi Ram resident of village Pawn, Post Office Salooni, District Chamba (Himachal Pradesh) on 12-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Taj Ram to pay to me the sum of Rs. 1,000 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,000 and interest thereon (up-to-date) is due from Shri Taj Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to the loanee.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62. Whereas a notice was served on Shri Munshi Ram s/o Shri Rakho Ram resident of village Nainikhad, Post Office Nainikhad, Tehsil Bhattiyat, District Chamba (Himachal Pradesh) on 8-2-1968, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Munshi Ram to pay to me the sum of Rs. 1,333.33 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,333.33 and interest thereon (up-to-date) is due from Shri Munshi Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Land comprised in Khewat No. 14/23 situated in village Tikri, Pargana Hobar, Tehsil Bhattiyat, District Chamba.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62. Whereas a notice was served on Shri Sundar Dass s/o Shri Charu resident of village Nainikhad, Post Office Nainikhad, Tehsil Bhattiyat, under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Sundar Dass to pay to me the sum of Rs. 500 only on or before 28-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 500 and interest thereon (up-to-date) is due from Shri Sundar Dass and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

All assets whether movable or immovable belonging to Shri Sundar Dass loanee.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62. —Whereas a notice was served on Shri Nidhia Ram s/o Shri Raj Mal resident of Village Pukhri, Post Office Pukhri, Tehsil Chamba, District Chamba (Himachal Pradesh) on 2-2-1968 under section 23 of the Punjab State Aid to Industries (H.P. Amendment) Act, 1964, calling upon the said Shri Nidhia Ram to pay to me the sum of Rs. 1,793.33 only on or before 16-2-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,793.33 and interest thereon (up-to-date) is due from Shri Nidhia Ram and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Land comprised in Khasra No. 20/38 situated in village Pukhri, Tehsil and District Chamba measuring 32-7 bighas.

V. P. SOOD,
District Industries Officer.

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Chamba, the 24th September, 1970

No. Ind. Loan/62. —Whereas a notice was served on Shri Sheikh Mohammad Latif s/o Shri Sheikh Ghulam Mohammad resident of Mohalla Kashmiri, Chamba Town, District Chamba (Himachal Pradesh) on 3-2-1968, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Sheikh Mohammad Latif to pay to me the sum of Rs. 1,432 only on or before 29-3-1968 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 1,432 and interest thereon (up-to-date) is due from Shri Sheikh Mohammad Latif and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

Land comprised in Khasra Nos. 2381, 2402 and 1661 situated at Chamba Town and House double storeyed standing on the land comprised Khasra Nos. 2399, 2401, and 1662 situated at Chamba.

V. P. SOOD,
District Industries Officer.

OFFICE OF THE DISTRICT INDUSTRIES OFFICER
MAHASU DISTRICT, SOLAN (HIMACHAL PRADESH)

FORM "H"

DECLARATION UNDER SECTION 24 OF THE ACT
Solan, the 30th September, 1970

No. UM(Loan). —Whereas a notice was served on Shri G. S. Tiwana s/o S. B. Hira Singh, village Solan, Post office Solan, Tehsil Solan, District Mahasu (Himachal Pradesh) on 23-9-1969, under section 23 of the Punjab State Aid to Industries Act, 1935, as modified and applied to Himachal Pradesh calling upon the said Shri G. S. Tiwana to pay to me the sum of Rs. 3,571.42 on or before 23-10-1969, and whereas the said sum has not been paid, I hereby declare that the sum of

Rs. 3,571.42 is due from the said Shri G. S. Tiwana and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

1. Land comprised in Khasra Nos. 944/35, 36, 1048/986, 954/80 and 644/56/3, situated in village Solan, District Mahasu (Himachal Pradesh) measuring 4 bighas and 2 biswas.

2. House three storeyed consisting of 36 rooms and 10 Kitchen, bath and latrines standing on land comprised in Khata Nos. 944/35, 36, 1048/986, 954/80 and 644/56/3 in village Solan, Tehsil Solan, District Mahasu (Himachal Pradesh) and 4 bighas and 2 biswas.

R. K. UPMANYU,
District Industries Officer.

PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Simla-3, the 28th September, 1970

No. SE. II. R-54/69-12250-55.—Whereas it appears to the Lieutenant Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Kharapathar Mandhol road, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector Land Acquisition Himachal Pradesh Public Works Department, is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-9.

SPECIFICATION

District: MAHASU

Tehsil: ROHRU

Village 1	Khasra No. 2	Area Big. Bis. 3 4	
		3	4
SHEEL	1093/1	0	17
	1094/1	1	14
	1301/1000/1	0	3
	1302/1000/1	0	18
	1131/1	0	16
	1127/1	0	6
	1128/1	0	3

1095/1	0	12
1215/1000/1	0	12
1101/1	0	14
1293/1000/1	0	16
1391/1000/1	1	3
1129/1	0	19
1374/1279/1141/1	0	18
1126/1	0	18
1104/1	0	9
1000/1	11	12
1000/2	1	18
1000/3	0	13
1000/4	0	16
1000/1/1	2	3
1141/1	3	5
1103	0	17

TOTAL .. 33 2

M. L. BANSAL,
Superintending Engineer 2nd Circle,
Simla-3.

Dharamsala, the 7th October, 1970

No. SEV-DH/6-69/1/W-II.—Whereas it appears to the Lieutenant Governor of Himachal Pradesh that land is likely to be acquired to be taken by Government at public expense for a public purpose, namely for the construction of road from Sidhbari to Ghanyara mile No. 1, R.D. 0 to 5280 in Tehsil and District Kangra.

It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Lieutenant Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the Land Acquisition Officer, Himachal Pradesh Public Works Department, Kangra.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Village	Tikka	Area in acres
GHANYARA	SIDHPUR	4.27

S. P. KAPOOR,
Superintending Engineer, 5th Circle,
Dharamsala.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के उप-राज्यपाल, हिमाचल बेंच आफ़ देहली हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ़ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

CO-OPERATION DEPARTMENT
NOTIFICATION

Simla-4, the 19th September, 1970

No. 1-145/69-Co-op(S).—The Administrator (Lieutenant Governor), Himachal Pradesh in exercise of the powers conferred upon him vide Government of India, Ministry of Home Affairs notification No. F.27/59-Him(i), dated 13th July, 1959, read with the proviso of Article 309 of the Constitution of India and with the concurrence of the Union Public Service Commission is pleased to make rules contained in the enclosed Annexure 'A' regulating the appointments to Class I (Gazetted) post of Deputy Registrar, Co-operative Societies, in the department of Co-operation, Himachal Pradesh.

P. K. MATTOO,
Secretary.

ANNEXURE "A"

RECRUITMENT RULES FOR THE POST OF
DEPUTY REGISTRAR, CO-OPERATIVE SOCIETIES
IN DEPARTMENT OF CO-OPERATION
GOVERNMENT OF HIMACHAL PRADESH

1. *Name of post.*—Deputy Registrar, Co-operative Societies.
2. *No. of post.* One.
3. *Classification.*—General Central Service Class I Gazetted Non-Ministerial.
4. *Scale of pay.*—Rs. 670-40-750-40-950/50-1000/50-1200.
5. *Whether selection or non-selection post.*—Selection.
6. *Age of direct recruits.*—Not applicable.
7. *Educational and other qualifications required for direct recruits.*—Not applicable.
8. *Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.*—Not applicable.
9. *Period of probation, if any.*—Two years.
10. *Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.*—By promotion.

REVENUE DEPARTMENT
NOTIFICATION

Simla-2, the 6th October, 1970

No. 2-38/65-Rev. I (Vol. III).—The Financial Commissioner, Himachal Pradesh, on the recommendations of the Departmental Promotion Committee is pleased to

Simla-2, the 6th October, 1970

No. 2-38/65-Rev. I (Vol. III). In partial modification of this Department notification of even number, dated the 1st September, 1970, the Financial Commissioner, Himachal Pradesh is pleased to cancel the transfer orders of the following Tehsildars:

1. Shri K. C. Datta, Tehsildar, Moorang (District Kinnaur).
2. Shri M. C. Chauhan, Tehsildar, Chopal (District Mahasu).
3. Shri K. C. Kondal, Tehsildar, Kangra (District Kangra).

Transfer orders issued vide this Department notification referred to above will stand in respect of the following Tehsildars:

1. Shri Hazara Singh

Tehsildar Nautor
Bilaspur.

Taken over in the Settlement at Kangra

11. *In case of recruitment by promotion/deputation/transfer grades from which promotion/deputation/transfer is to be made.*—PROMOTION—

District Co-operative and Supplies Officer with 7 years service in the grade rendered after appointment thereto on a regular basis.

12. *If a Departmental Promotion Committee exists, what is its composition.*—Class I Departmental Promotion Committee.

13. *Circumstances in which Union Public Service Commission is to be consulted in making recruitment.*—As required under the Union Public Service Commission (exemption from consultation) Regulations, 1958.

EXCISE AND TAXATION DEPARTMENT
NOTIFICATION

Simla-2, the 5th October, 1970

No. 1-7/66-E&T.—Consequent upon the grant of earned leave to Shri R. D. Chauhan, Excise and Taxation Officer of Kangra district, in exercise of the powers vested in me under Rule 10A of the Delegation of Financial Powers Rule 1958, hereby declare to Shri Shivdev Singh, Assistant Excise and Taxation Officer, Kangra district as Head of Office and Drawing and Disbursing Officer in respect of Class III and IV employees of the Excise and Taxation Department, Himachal Pradesh posted in Kangra district till Shri R. D. Chauhan resumes his duties under the following heads of accounts, with immediate effect:—

- (i) "10—State Excise Duties". B—District Executive Establishment.
- (ii) "13—Other Taxes and Duties". A—Collection Charges. A-2—Superintendence.
- (iii) "12—Sales Tax". A—Collection Charges.

The aforesaid officer will also function as controlling officer in respect of T.A. and D.A. of Class III and IV employees.

By order,
PRABHAKAR KAMAT,
Excise and Taxation Commissioner.

order the promotion of Shri S. S. Paul, Naib-Tehsildar, Theog (District Mahasu) as Officiating Tehsildar in the scale of Rs. 270-15-300-25-400/25-550 from the date he takes over as Tehsildar.

The orders regarding the posting of Shri S. S. Paul as Tehsildar is being issued separately.

- | | | |
|---------------------|-------------------------------|---|
| 2. Shri C. M. Rewal | Tehsildar Settlement, Kangra. | Taken over as Tehsildar Nautor, Bilaspur. |
| 3. Shri Duni Singh | Tehsildar, Jogindernagar | Taken over at Palampur. |

Financial Commissioner, Himachal Pradesh is further pleased to order the postings and transfers of the following Tehsildars, with immediate effect:—

	From	To
1. Shri D. P. Sabharwal	Sarkaghat	Chamba vice Shri N. N. Gautam transferred.
2. Shri N. N. Gautam	Chamba	Karsog vice Shri D. S. Kutlehria transferred.
3. Shri D. S. Kutlehria	Karsog	Settlement Kangra vice Shri C. M. Rewal.
4. Shri Paras Ram	Consolidation Officer, Bilaspur.	Bilaspur Sadar vice Shri Kishan Singh Pathania transferred.
5. Shri Kishan Singh Pathania	Bilaspur Sadar	Consolidation Officer, Bilaspur vice Shri Paras Ram transferred.
6. Shri B. C. Nayyar	(Awaiting orders in District Headquarter Mahasu) Kasumpti.	Jogindernagar vice Shri Duni Singh already transferred.
7. Shri Amrit Lal Jain	Palampur	Nurpur vice Shri R. K. Dharmani transferred.
8. Shri R. K. Dharmani	Nurpur	Dehragopipur vice Shri Jagir Singh.
9. Shri S. S. Paul	Naib-Tehsildar, Theog	Promoted and posted as Tehsildar, Sarkaghat vice Shri D. P. Sabharwal, transferred.
10. Shri Dharni Dhar	Pachhad (Sarahan)	Hamirpur vice Shri Jaswant Singh transferred.
11. Shri Jaswant Singh	Hamirpur	Pachhad (Sarahan) vice Shri Dharni Dhar, transferred.

The orders regarding Shri Jagir Singh, Tehsildar, Dehra Gopipur, will follow. He is directed to hand over the charge to Shri Dharmani as soon as the latter reports for duty.

By order,
U. N. SHARMA,
Financial Commissioner.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

DIRECTORATE OF PANCHAYATS ORDERS

Simla-4, the 3rd October, 1970

No. 2-G41/70-Panch(C).—Whereas a report has been received by the District Panchayats Officer, Chamba from the E. P. O. Chamba alleging that Shri Hardev Ram, President, Gram Panchayat, Ranuhkothi, Sub-Tehsil Bharmour, District Chamba has misappropriated an amount of Rs. 1399.30 from out of the funds of the said Gram Panchayat.

And whereas an enquiry is contemplated against the said Shri Hardev Ram, President under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh in exercise of the powers conferred upon me under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952 read with notification No. Panch.20-205/59, dated the 23rd August, 1965 of the Himachal Pradesh Government hereby order an enquiry against the said Shri Hardev Ram, President. The enquiry shall be conducted by the District Panchayats Officer himself and a complete report submitted within a period of 2 months.

It is further ordered that pending enquiry, Shri Hardev Ram, President, Gram Panchayat, Ranuhkothi, Sub-Tehsil Bharmour, District Chamba will remain under suspension and shall not take part in any act or proceedings of the Panchayat. He will hand over the charge of Panchayat property and record complete in all respect to

the Vice-President of his Panchayat soon on receipt of this order.

Simla-4, the 3rd October, 1970

No. 2-G26/67-Panch(C).—Whereas an enquiry was ordered against Shri Saran Dass, President, Gram Panchayat, Garola, Tehsil Bharmour, District Chamba regarding the alleged mis-appropriation of gram fund under this office order of even number, dated 14th April, 1970.

And whereas the said Shri Saran Dass during the course of enquiry is found to have advanced thousands of rupees un-authorisedly to his own persons and incurred un-authorised expenditure in thousands.

And whereas the continuance of the said Shri Saran Dass in these circumstances in the office of the President, Gram Panchayat, Garola is not considered desirable even during the enquiry proceedings against him.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh hereby place the said Shri Saran Dass, President, Gram Panchayat Garola, Tehsil Bharmour under suspension with immediate effect in exercise of the powers vested in me under section 118A of the Himachal Pradesh Panchayati Raj Act, 1952, read with notification No. Panch. 20-205/59, dated the 23rd August, 1965 and further debar him from taking and part in any act or proceedings of the said Gram Panchayat during the period of his suspension. He should hand over the records, money and all other property of

the Gram Panchayat to the Vice-President, Gram Panchayats, Garola on the receipt of this order.

Simla-4, the 3rd October, 1970

No. 2-G35 68-Panch(C).- Whereas an enquiry ordered against Shri Galora Ram, President, Gram Panchayat, Pranghala, Tehsil Bharmour, District Chamba, Himachal Pradesh of his having embezzled panchayat funds and the said Shri Galora Ram was found to have embezzled a sum of Rs. 700 out of the gram fund which he later deposited in two instalments when a show cause notice for his removal from the office of the President, Gram Panchayat, Pranghala was served upon him.

And whereas this action of the said Shri Galora Ram amounted to mis-conduct in the discharge of his duties and he is not considered to be a fit person to hold any

office of the Panchayat.

Now, therefore, I, P. C. Sharma, Director of Panchayats, Himachal Pradesh, hereby remove the said Shri Galora Ram from the office of the President, Gram Panchayat, Pranghala with immediate effect in exercise of the powers vested in me under section 118A(2) of the Himachal Pradesh Panchayati Raj Act, 1952, read with notification No. Panch. 20-205/59, dated the 23rd August, 1965 and further disqualify him from his contesting any office of any Panchayat in Himachal Pradesh for a period of three years and also order him to hand over the records, money and all other property of the Gram Panchayat to the Vice-President of the said Gram Panchayat.

P. C. SHARMA,
Director.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

STATE BANK OF PATIALA

NOTICE

Patiala, the 1st October, 1970/9th Asvina, 1892 (Saka)

No. 39 SBOP. -The following transfers and changes in the posting of Bank's staff are hereby notified:—

1. Shri Trilok Nath, Junior Officer, officiated as Manager, Palampur Branch as from the close of business on 22nd August, 1970 to the commencement of business on 27th August, 1970 vice Shri M. K. Mahajan, Officer Grade 'C'.
2. Shri Trilok Nath, Junior Officer, officiated

as Manager, Kangra Branch from the close of business on 9th September, 1970 to the commencement of business on 18th September, 1970 vice Shri D. P. Saxena, Officer Grade 'B'.

3. Shri D. D. Sharma, Junior Officer, officiated as Manager, Simla Branch from the close of business on 29th August, 1970 to the close of business on 17th September, 1970 vice Shri J. R. Ahluwalia Officer Grade 'C'.

K. SUBRAMANIAN,
General Manager.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

देखिये पृष्ठ 887 से 918

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART VI

LAW DEPARTMENT NOTIFICATIONS

Simla-4, the 21st June, 1958

No. LR. 16-110/58.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India Extraordinary part II, section 1, dated the 16th May, 1958, 19th May, 1958 and 20th May, 1958 respectively are hereby republished in the Himachal Pradesh Administration Gazette for the information of the general public.

- (1) The Probation of Offenders Act, 1958 (20 of 1958).
- (2) The Rice-Milling Industry (Regulation) Act, 1958 (No. 21 of 1958).

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received assent on 16-6-1958

THE PROBATION OF OFFENDERS ACT, 1958 (20 OF 1958)

AN ACT

to provide for the release of offenders on probation or after due admonition and for matters connected therewith.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Probation of Offenders Act, 1958.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different parts of the State.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “Code” means the Code of Criminal Procedure 1898 (5 of 1898);

(b) “probation officer” means an officer appointed to be a probation officer or recognised as such under section 13;

(c) “prescribed” means prescribed by rules made under this Act;

(d) words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, (5 of 1898) shall have the meanings respectively assigned to them in that Code.

3. *Power of court to release certain offenders after admonition.*—When any person is found guilty of having committed an offence punishable under section 379 or section 380 or section 381 or section 404, or section 420 of the Indian Penal Code (45 of 1860) or any offence punishable with imprisonment for not more than two years, or with fine, or with both, under the Indian Penal Code or any other law, and no previous conviction is proved against him and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient so to do, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him to any punishment or releasing him on probation of good conduct under section 4, release him after due admonition.

Explanation.—For the purposes of this section, previous conviction against a person shall include any previous order made against him under this section or section 4.

4. *Power of court to release certain offenders on probation of good conduct.*—(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.

(4) The court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.

5. *Power of court to require released offenders to pay Compensation and costs.*—(1) The court directing the release of an offender under section 3 or section 4 may, if it thinks fit, make at the same time a further order directing him to pay—

(a) such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence; and

(b) such costs of the proceedings as the court thinks reasonable.

(2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of section 386 and 387 of the Code.

(3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.

6. *Restrictions on imprisonment of offenders under twenty one years of age.*—(1) When any person under twenty one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life), the court by which the person is found guilty shall not sentence him to imprisonment unless it is satisfied that having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under section 3 or section 4, and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so.

(2) For the purpose of satisfying itself whether it would not be desirable to deal under section 3 or section 4 with an offender referred to in sub-section (1), the court shall call for a report from the probation officer and consider the report, if any, and any other information available to it relating to the character and physical and mental condition of the offender.

7. *Report of probation officer to be confidential.*—The report of a probation officer referred to in sub-section (2) of section 4 or sub-section (2) of section 6 shall be treated as confidential:

Provided that the court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report.

8. *Variation of conditions of probation.*—(1) If, on the application of a probation officer, any court which passes an order under section 4 in respect of an offender is of opinion that in the interests of the offender and the public it is expedient or necessary to vary the conditions of any bond entered into by the offender, it may, at any time during the period when the bond is effective, vary the bond by extending or diminishing the duration thereof so, however, that it shall not exceed three years from the date of the original order or by altering the conditions thereof or by inserting additional conditions therein:

Provided that no such variation shall be made without giving the offender and the surety or sureties mentioned in the bond an opportunity of being heard.

(2) If any surety refuses to consent to any variation proposed to be made under sub-section (1), the court may require the offender to enter into a fresh bond and if the offender refuses or fails to do so, the court may sentence him for the offence of which he was found guilty.

(3) Notwithstanding anything hereinbefore contained, the court which passes an order under section 4 in respect of an offender may, if it is satisfied on an application made by the probation officer, that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond or bonds entered into by him.

9. *Procedure in case of offender failing to observe conditions of bond.*—(1) If the court which passes an order under section 4 in respect of an offender or any court which could have dealt with the offender in respect of his original offence has reason to believe, on the report of a probation officer or otherwise, that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to him and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.

(2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded or it may grant him bail, with or without surety, to appear on the date which it may fix for hearing.

(3) If the court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may forthwith—

(a) sentence him for the original offence; or

(b) where the failure is for the first time, then, without prejudice to the continuance in force of the the bond, impose upon him, a penalty not exceeding fifty rupees.

(4) If a penalty imposed under clause (b) of sub-section (3) is not paid within such period as the court may fix, the court may sentence the offender for the original offence.

10. *Provision as to sureties.*—The provisions of sections 122, 126, 126A, 406A, 514, 514A, 514B, and 515 of the Code shall, so far as may be, apply in the case of bonds and sureties given under this Act.

11. *Courts competent to make order under the Act, appeal and revision and powers of courts in appeal and revision.*—(1) Notwithstanding anything contained in the Code or any other law, an order under this Act may be made by any court empowered to try and sentence the offender to imprisonment and also by the High Court or any other court when the case comes before it on appeal or in revision.

(2) Notwithstanding anything contained in the Code, where an order under section 3 or section 4 is made by any court trying the offender (other than a High Court), an appeal shall lie to the court to which appeals ordinarily lie from the sentences of the former court.

(3) In any case where any person under twenty-one years of age is found guilty of having committed an offence and the court by which he is found guilty declines to deal with him under section 3 or section 4, and passes against him any sentence of imprisonment with or without fine from which no appeal lies or is preferred, then, notwithstanding anything contained in the Code or any other law, the court to which appeals ordinarily lie from the sentences of the former court may, either of its own motion or on an application made to it by the convicted person or the probation officer, call for and examine the record of the case and pass such order thereon as it thinks fit.

(4) When an order has been made under section 3 or section 4 in respect of an offender, the Appellate Court or the High Court in the exercise of its power of revision may set aside such order and in lieu thereof pass sentence on such offender according to law:

Provided that the Appellate Court or the High Court in revision shall not inflict a greater punishment than might have been inflicted by the court by which the offender was found guilty.

12. *Removal of disqualification attaching to conviction.*—Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:

Provided that nothing in this section shall apply to a person who, after his release under section 4, is subsequently sentenced for the original offence.

13. *Probation officers.*—(1) A probation officer under this Act shall be—

(a) a person appointed to be a probation officer by the State Government or recognised as such by the State Government; or

(b) a person provided for this purpose by a society recognised in this behalf by the State Government; or

(c) in any exceptional case, any other person who, in the opinion of the court, is fit to act as a probation officer in the special circumstances of the case.

(2) A court which passes an order under section 4 or the district magistrate of the district in which the offender for the time being resides may, at any time, appoint any probation officer in the place of the person named in the supervision order.

Explanation.—For the purposes of this section, a presidency town shall be deemed to be a district and chief presidency magistrate shall be deemed to be the district magistrate of that district.

(3) A probation officer, in the exercise of his duties under this Act, shall be subject to the control of the district magistrate of the district in which the offender for the time being resides.

14. Duties of probation officers.—A probation officer shall, subject to such conditions and restrictions, as may be prescribed,—

- inquire, in accordance with any directions of a court, into the circumstances or home surroundings of any person accused of an offence with a view to assist the court in determining the most suitable method of dealing with him and submit report to the court;
- supervise probationers and other persons placed under his supervision and, where necessary, endeavour to find them suitable employment;
- advise and assist offenders in the payment of compensation or costs ordered by the Court;
- advise and assist, in such cases and in such manner as may be prescribed persons who have been released under section 4; and
- perform such other duties as may be prescribed.

15. Probation officers to be public servants.—Every probation officer and every other officer appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

16. Protection of action taken in good faith.—No suit or other legal proceeding shall lie against the State Government or any probation officer or any other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

17. Power to make rules.—(1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- appointment of probation officers, the terms and conditions of their service and the area within which they are to exercise jurisdiction;
- duties of probation officers under this Act and the submission of reports by them;
- the conditions on which societies may be recognised for the purposes of clause (b) of sub-section (1) of section 13;
- the payment of remuneration and expenses probation officers or of a subsidy to any society which provides probation officers; and
- any other matter which is to be, or may be, prescribed.

(3) All rules made under this section shall be subject to the condition of previous publication and shall, as soon as may be after they are made, be laid before the State Legislature.

18. Saving of operation of certain enactments.—Nothing in this Act shall affect the provisions of section 31 of the Reformatory School Act, 1897, (8 of 1897) or sub-section

(2) of section 5 of the Prevention of Corruption Act, 1947 (2 of 1947) or the Supersession of Immoral Traffic in Women and Girls Act, 1956, (104 of 1956) or of any law in force in any State relating to juvenile offenders or borstal schools.

19. Section 562 of the Code not to apply in certain areas.—Subject to the provisions of section 18, section 562 of the Code shall cease to apply to the States or parts thereof in which this Act is brought into force.

Received assent on 18-5-1958

THE RICE-MILLING INDUSTRY (REGULATION) ACT, 1958 (21 of 1958)

AN
ACT

to regulate the rice-milling industry in the interests of the general public.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Rice-Milling Industry (Regulation) Act, 1958.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration as to expediency of control by the Union.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the rice-milling industry.

3. Definitions.—In this Act, unless the context otherwise requires,—

- “defunct rice mill” means a rice mill in existence at the commencement of this Act but in which rice-milling operations have not been carried on for a period exceeding one year prior to such commencement;
- “existing rice mill” means a rice mill carrying on rice-milling operations at the commencement of this Act, and includes a rice mill in existence at such commencement which is not carrying on rice-milling operations but in which rice-milling operations have been carried on at any time within a period of one year prior to such commencement;
- “licensing officer” means an officer appointed as such under section 4;
- “milling rice”, with its grammatical variations, means recovering rice or any product thereof from paddy with the aid of power;
- “new rice mill” means a rice mill other than an existing rice mill or a defunct rice mill;
- “notified order” means an order notified in the Official Gazette;
- “owner” in relation to a rice mill, means the person who, or the authority which, has the ultimate control over the affairs of the rice mill, and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent shall be deemed to be the owner of the rice mill;
- “prescribed” means prescribed by rules made under this Act;

- (i) "rice mill" means the plant and machinery with which, and the premises, including the precincts thereof, in which or in any part of which, rice-milling operation is carried on.

4. *Appointment of licensing officers.*—The Central Government may, by notified order,

- (a) appoint such persons, being gazetted officers of Government, as it thinks fit to be licensing officers for the purposes of this Act; and
- (b) define the limits within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

5. *Grant of permits in respect of new or defunct rice mills.* (1) Any person or authority may make an application to the Central Government for the grant of a permit for the establishment of a new rice mill; and any owner of a defunct rice mill may make a like application for the grant of a permit for re-commencing rice-milling operation in such mill.

(2) Every application under sub-section (1) shall be made in the prescribed form and shall contain the particulars regarding the location of the rice mill, the size and type thereof and such other particulars as may be prescribed.

(3) If on receipt of any such application for the grant of a permit the Central Government is of opinion that it is necessary so to do for ensuring adequate supply of rice, it may, subject to the provisions of sub-section (4) and sub-section (5), grant the permit specifying therein the period within which the mill is to be established or, as the case may be, the mill is to re-commence rice-milling operation and such other conditions as it may think fit to impose, in accordance with the rules, if any, made in this behalf.

(4) Before granting any permit under sub-section (3), the Central Government shall cause a full and complete investigation to be made in the prescribed manner in respect of the application and shall have due regard to—

- (a) the number of rice mills operating in the locality;
- (b) the availability of paddy in the locality;
- (c) the availability of power and water supply for the rice mill in respect of which a permit is applied for;
- (d) whether the rice mill in respect of which a permit is applied for will be of the huller type, sheller type or combined sheller-huller type;
- (e) whether the functioning of the rice mill in respect of which a permit is applied for would cause substantial un-employment in the locality;
- (f) such other particulars as may be prescribed.

(5) In granting a permit under this section, the Central Government shall give preference to a defunct rice mill over a new rice mill.

(6) A permit granted under this section shall be effective for the period specified therein or for such extended period as the Central Government may think fit to allow in any case.

6. *Grant of licences.*—(1) Any owner of an existing rice mill or of a rice mill in respect of which a permit has been granted under section 5 may make an application to the licensing officer for the grant of a licence for carrying on rice-milling operation in that rice mill.

(2) Every application under sub-section (1) shall be made in the prescribed form and shall contain the particulars regarding the location of the rice mill, the size and type thereof and such other particulars as may be prescribed.

(3) On receipt of any such application for the grant of a licence, the licensing officer shall grant the licence on

such conditions including, in particular, conditions relating to the polishing of rice, on payment of such fees and on the deposit of such sum, if any, as security for the due performance of the conditions as may be prescribed.

(4) A licence granted under this section shall be valid for the period specified therein and may be renewed from time to time for such period and on payment of such fees and on such conditions as may be prescribed.

7. *Revocation, suspension and amendment of licences.*—

(1) If the licensing officer is satisfied, either on a reference made to him in this behalf or otherwise, that—

(a) a licence granted under section 6 has been obtained by misrepresentation as to an essential fact, or

(b) the holder of a licence, has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the licensing officer may, after giving the holder of the licence an opportunity of showing cause, revoke or suspend the licence or forfeit the sum, if any, or any portion thereof deposited as security for the due performance of the conditions subject to which the licence has been granted.

(2) Subject to any rules that may be made in this behalf, the licensing officer may also vary or amend a licence granted under section 6.

8. *Certain restrictions on rice mills.*—(1) No person or authority shall, after the commencement of this Act, establish any new rice mill except under and in accordance with a permit granted under section 5.

(2) No owner of a rice mill shall, after the commencement of this Act, carry on rice-milling operation except under and in accordance with a licence granted under section 6:

Provided that nothing in this sub-section shall apply to an existing rice mill for such period as may be specified in this behalf by the Central Government by notified order.

(3) No owner of a rice mill,—

(a) in respect of which a licence has been granted under section 6, shall carry on rice-milling operation in that mill after the expiry of the period of the validity of the licence;

(b) in respect of which the licence has been revoked or suspended under section 7, shall carry on rice-milling operation in that mill after the revocation or, as the case may be, during the period for which the licence has been suspended;

(c) shall, without the previous permission of the Central Government, change the location of the whole or any part of the rice mill in respect of which a licence has been granted under section 6;

(d) shall after the commencement of this Act, effect any expansion of the rice mill except with the previous permission of the Central Government;

Provided that no such permission shall be necessary for the replacement of any parts of the machinery of the rice mill where such replacement does not result in an increase in the productive capacity of the rice mill.

Explanation.—For the purposes of clause (a) of this sub-section, the period of the validity of a licence shall not be deemed to have expired, if an application for its renewal is pending before the licensing officer.

9. *Power of inspection.*—For the purpose of ascertaining the position or examining the working of any rice

mill or for any other purpose mentioned in this Act or the rules made thereunder, the licensing officer or any person authorised by the Central Government in this behalf shall have the right—

- (a) to enter and inspect any rice mill;
- (b) to order the production of any document, book, register or record in the possession or power of any person having the control of, or employed in connection with, any rice mill; and
- (c) to examine any person having the control of, or employed in connection with, any rice mill.

10. Decision of Central Government final respecting certain matters.—If, for the purposes of this Act, any question arises as to whether—

- (a) there has been an expansion of a rice mill, or
- (b) the replacement of any parts of the machinery of a rice mill has resulted in an increase in the productive capacity of the rice mill,

the Central Government may, after giving the owner of the rice mill an opportunity of being heard, decide the question and the decision of the Central Government thereon shall be final.

11. Returns.—Every owner of a rice mill shall furnish to the Central Government such returns relating to the affairs of the rice mill and in such forms as may be prescribed.

12. Appeals.—(1) Any person aggrieved by a decision of a licensing officer under section 6 or section 7 may, within thirty days from the date on which the decision is communicated to him, prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the Central Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

13. Penalties.—(1) If any person contravenes or attempts to contravene or abets the contravention of any of the provisions of section 8 or sub-section (2) of section 18, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(2) If any person,—

- (a) when required by this Act or by any order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reason to believe to be false or does not believe to be true, or
- (b) makes any such statement as aforesaid in any book, account, record, declaration, return or

other document which he is required to maintain or furnish under this Act, or

- (c) contravenes any rule the contravention of which is made punishable under this sub-section,

he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

14. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate, and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

15. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by the licensing officer or any person duly authorised by the Central Government or the licensing officer in this behalf.

16. Jurisdiction of courts.—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

17. Special provision regarding fines.—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (of 1898) it shall be lawful for any magistrate of the first class or for any presidency magistrate to pass a sentence of fine exceeding two thousand rupees on any person convicted of any offence under this Act.

18. *Power to exempt in special cases.*—(1) If the Central Government is of opinion, having regard to the necessity for ensuring an adequate supply of rice in any area or to the conditions prevailing therein, that it would not be in the public interest to apply all or any of the provisions of this Act to the rice mills or to any class of rice mills in that area, it may, by notified order, exempt for such period and subject to such conditions as it may think fit to impose, all the rice mills or such class of rice mills in that area as it may specify in the order from the operation of all or any of the provisions of this Act or of any rule or order made thereunder.

(2) Where any notified order under sub-section (1) granting an exemption is cancelled, no owner of a rice mill shall carry on rice-milling operation in that rice mill after the expiry of such period as may be specified in the order cancelling the exemption, except under and in accordance with a licence granted to him under section 6.

19. *Delegation of powers.*—The Central Government may, by notified order, direct that any power exercisable by it under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the direction.

20. *Licensing officers, etc., to be public servants.*—The licensing officers and every person duly authorised to discharge any duties imposed on him by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

21. *Protection of action taken under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

22. *Power to make rules.*—(1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form of application for the grant of a permit under section 5 and the particulars it may contain;
- (b) the manner in which an investigation is to be made in respect of an application for a permit and the matters to be taken into account in granting or refusing a permit;
- (c) the form of application for the grant or renewal of a licence in respect of a rice mill and the particulars it may contain;
- (d) the form of a licence which may be granted or renewed under section 6 and the conditions subject to which the licence may be granted or renewed, including conditions relating to the polishing of rice, the fees to be levied for the grant or renewal of a licence and the deposit of any sum as security for the performance of such conditions;

(e) the circumstances under which licences may be varied or amended under sub-section (2) of section 7;

(f) the submission of returns relating to a rice mill by the owner and the forms in which, and the authorities to which such returns may be submitted; and the collection of any information or statistics in relation to rice mills;

(g) the form and manner in which appeals may be filed under section 12 and the procedure to be followed by appellate officers in disposing of the appeals;

(h) any other matter which has to be, or may be, prescribed under this Act.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable under sub-section (2) of section 13.

(4) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as possible after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

23. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not in derogation of, any other Central Act for the time being in force.

24. *Act not to apply to rice mills owned by Government.*—The provisions of this Act shall not apply to any rice mill owned by Government.

25. *Repeal and savings.*—(1) If, immediately before the commencement of this Act, there is in force in any State to which this Act extends any law or order relating to the regulation or control of rice mills in that State, that law or order shall stand repealed.

(2) Notwithstanding such repeal, any certificate of registration, permit or licence granted in respect of any existing rice mill, under any such law or order hereby repealed and in force immediately before the commencement of this Act, shall continue to be in force for such period as may be allowed under the proviso to sub-section (2) of section 8 for the licensing of such rice mill under the provisions of this Act, and for the removal of doubts, it is hereby declared that the provisions of section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply in relation to such repeal, as they apply in relation to the repeal of an enactment by a Central Act.

Simla-4, the 17th July, 1968

No. LR. 16-12/68.—The Gift-Tax Act, 1958 (No. 18 of 1958) recently passed by the Parliament of India and already published in the Gazette of India, Extraordinary part II, section I, dated the 16th May, 1958, is hereby republished in the Himachal Pradesh Administration gazette for the information of the general public.

KUNJ BEHARI SRIVASTAVA,
Secretary (Judicial).

MINISTRY OF LAW

New Delhi, the 16th May, 1958/Vaisakha 26, 1880 (Saka)

The following Act of Parliament received the assent of the President on the 15th May, 1958, and is hereby published for general information:—

THE GIFT-TAX ACT, 1958 No. 18 OF 1958

(15th May, 1958)

An Act to provide for the levy of gift-tax.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Gift-Tax Act, 1958.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 1st day of April, 1958.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (i) "Appellate Assistant Commissioner" means a person empowered to exercise the powers of the Appellate Assistant Commissioner of gift-tax under section 8;
- (ii) "Appellate Tribunal" means the Appellate Tribunal appointed under section 5A of the Income-tax Act;
- (iii) "assessee" means a person by whom gift-tax or any other sum of money is payable under this Act, and includes every person in respect of whom any proceeding under this Act has been taken for the determination of the gift-tax payable by him;
- (iv) "assessment year" means the year for which tax is chargeable under section 3;
- (v) "Board" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924 (4 of 1924);
- (vi) "Commissioner" means a person empowered to exercise the powers of a Commissioner of gift-tax under section 9;
- (vii) "company" means a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), and includes a foreign company within the meaning of section 591 of that Act;
- (viii) "donee" means any person who acquires any property under a gift, and, where gift is made to a trustee for the benefit of another person, includes both the trustee and the beneficiary;
- (ix) "donor" means any person who makes a gift;
- (x) "executor" means an executor or administrator of the estate of a deceased person;
- (xi) "firm" has the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932);
- (xii) "gift" means the transfer by one person to another of any existing movable or immovable property made voluntarily and without consideration in money or money's worth, and includes transfer of any property deemed to be a gift under section 4;
- (xiii) "Gift-tax Officer" means the Income-tax Officer authorised to perform the functions of a Gift-tax Officer under section 7;
- (xiv) "Income-tax Act" means the Indian Income-tax Act, 1922 (11 of 1922);
- (xv) "Income-tax Officer" means a person appointed to be an Income-tax Officer under the Income-tax Act;
- (xvi) "Inspecting Assistant Commissioner of Gift-tax" means a person empowered to exercise the functions of an Inspecting Assistant Commissioner of Gift-tax under section 10;
- (xvii) "partner" has the meaning assigned to it in the Indian Partnership Act, 1932 (9 of 1932) and

includes a person who being a minor has been admitted to the benefits of partnership;

- (xviii) "person" includes a Hindu undivided family or a company or an association or a body of individuals or persons, whether incorporated or not;
- (xix) "prescribed" means prescribed by rules made under this Act;
- (xx) "previous year", in relation to any assessment year—
 - (a) in the case of an assessee having a source of income, profits or gains in respect of which there is no previous year under the Income-tax Act, means the twelve months ending on the 31st day of March immediately preceding the assessment year;
 - (b) in the case of an assessee having different previous years under the Income-Tax Act for different sources of income, profits or gains, means that previous year of twelve months determined as the previous year under sub-clause (a) of clause (11) of section 2 of the Income-Tax Act or such period determined as the previous year under sub-clause (b) of clause (11) of that section, whichever expired last;
 - (c) in the case of any other assessee, means the previous year as defined in clause (11) of section 2 of the Income-Tax Act if an assessment were to be made under that Act for that year;
- (xxi) "principal officer", used with reference to a company or any association of persons, means—
 - (a) the secretary and treasurer, manager, managing agent, managing director or agent of the company or association; or
 - (b) any person connected with the management of the affairs of the company or association upon whom the Gift-tax Officer has served a notice of his intention of treating him as the principal officer thereof;
- (xxii) "property" includes any interest in property, movable or immovable;
- (xxiii) "taxable gifts" means gifts chargeable to Gift-tax under this Act;
- (xxiv) "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes—
 - (a) the creation of a trust in property;
 - (b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;
 - (c) the exercise of a power of appointment of property vested in any person, not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
 - (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person;
- (xxv) "valuer" means a valuer appointed under section 4 of the Estate Duty Act, 1953 (34 of 1953).

CHAPTER II

CHARGE OF GIFT-TAX AND GIFT SUBJECT TO SUCH CHARGE

3. *Charge of gift-tax.*—Subject to the other provisions contained in this Act, there shall be charged for every financial year commencing on and from the 1st day of April, 1958, a tax (hereinafter referred to as gift-tax) in respect of the gifts, if any, made by a person during the previous year (other than gifts made before the 1st day of April, 1957) at the rate or rates specified in the Schedule

4. *Gifts to include certain transfers.*—For the purposes of this Act—

- (a) where property is transferred otherwise than for adequate consideration, the amount by which the market value of the property at the date of the transfer exceeds the value of the consideration shall be deemed to be a gift made by the transferor;
 - (b) where property is transferred for a consideration which, having regard to the circumstances of the case, has not passed or is not intended to pass either in full or in part from the transferee, to the transferor, the amount of the consideration which has not passed or is not intended to pass shall be deemed to be a gift made by the transferor;
 - (c) where there is a release, discharge, surrender, forfeiture or abandonment of any debt, contract or other actionable claim or of any interest in property by any person, the value of the release, discharge, surrender, forfeiture or abandonment, to the extent to which it has not been found to the satisfaction of the Gift-tax Officer to have been *bona fide*, shall be deemed to be a gift made by the person responsible for the release, discharge, surrender, forfeiture or abandonment;
 - (d) where a person absolutely entitled to property causes or has caused the same to be vested in whatever manner in himself and any other person jointly without adequate consideration and such other person makes an appropriation from or out of the said property, the amount of the appropriation used for the benefit of the person making the appropriation or for the benefit of any other person shall be deemed to be a gift made in his favour by the person who causes or has caused the property to be so vested.
5. *Exemption in respect of certain gifts.*—(1) Gift-tax shall not be charged under this Act in respect of gifts made by any person—
- (i) of immovable property situate outside the territories to which this Act extends;
 - (ii) of movable property situate outside the said territories unless the person—
 - (a) being an individual, is a citizen of India and is ordinarily resident in the said territories, or
 - (b) not being an individual, is resident in the said territories,
 during the previous year in which the gift is made;
 - (iii) of property in the form of savings certificates issued by the Central Government, which that Government, by notification in the Official Gazette, exempts from gift-tax;
 - (iv) to the Government or any local authority;
 - (v) to any institution or fund established for a charitable purpose to which the provisions of section 15B of the Income-tax Act apply;
 - (vi) for any charitable purpose not falling within clause (v)

- (i) made at any time before the 1st day of April 1958; or
- (ii) made at any time after that date subject, in respect of each such gift, to a maximum of rupees one hundred in value and, in respect of such gifts in any one previous year to the same donee, to a maximum of rupees five hundred in value in the aggregate;
- (vii) to any relative dependent upon him for support and maintenance, on the occasion of the marriage of the relative, subject to a maximum of rupees ten thousand in value in respect of the marriage of each such relative;
- (viii) to his or her spouse, subject to a maximum of rupees one lakh in value in the aggregate in one or more previous years, the expression "spouse" in this clause, where there are more wives than one meaning all the wives together;
- (ix) of policies of insurance or annuities to any person (other than his wife) who is dependent upon him for support and maintenance, subject to a maximum of rupees ten thousand in value in the aggregate in one or more previous years of the benefits in respect of each such donee;
- (x) under a will;
- (xi) in contemplation of death;
- (xii) for the education of his children, to the extent to which the gifts are proved to the satisfaction of the Gift-tax Officer as being reasonable having regard to the circumstances of the case;
- (xiii) being an employer, to any employee by way of bonus, gratuity or pension to the dependents of a deceased employee, to the extent to which the payment of such bonus, gratuity or pension is proved to the satisfaction of the Gift-tax Officer as being reasonable having regard to the circumstances of the case and is made solely in recognition of the services rendered by the employee;
- (xiv) in the course of carrying on a business, profession or vocation, to the extent to which the gift is proved to the satisfaction of the Gift-tax Officer to have been made *bona fide* for the purpose of such business, profession or vocation;
- (xv) to any person in charge of any such *Bhoodan* or *Sampattidan* movement as the Central Government may, by notification in the Official Gazette, specify;
- (xvi) out of the sums, if any guaranteed or assured by the Central Government as his privy purse, if the gifts are made for—
 - (a) the maintenance of any relatives dependent on him for support and maintenance; or
 - (b) for the performance of any official ceremonies:

Provided that such gifts are in accordance with the practice, usage or tradition of the family to which the person making the gift belongs.

(2) Without prejudice to the provisions contained in sub-section (1), gift-tax shall not be charged under this Act in respect of gifts made by any person during the previous year, subject to a maximum of rupees ten thousand in value.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where either spouse makes any gifts out of any such gift; received by that spouse as fall within clause (viii) of sub-section (1), the gifts so made shall be deemed to be taxable gifts made by that spouse and nothing contained in sub-section (1) or sub-section (2) shall apply in relation to any such gifts.

Explanation.—For the purposes of this section, —

- (a) an individual shall be deemed to be ordinarily resident in the territories to which this Act

extends during the previous year in which the gift is made if during that year he is regarded as a resident but not as not ordinarily resident in the taxable territories within the meaning of the Income-tax Act;

- (b) a Hindu undivided family, firm or other association of persons shall be deemed to be resident in the territories to which this Act extends during any previous year unless, during that year, the control and management of its affairs was situated wholly outside the said territories;
- (c) a company shall be deemed to be resident in the territories to which this Act extends during the previous year, if—
- (i) it is a company formed and registered under the Companies Act, 1956 (1 of 1956) or is an existing company within the meaning of that Act; or
- (ii) during that year, the control and management of that company was situated wholly in the said territories;
- (d) "gifts made in contemplation of death" has the same meaning as in section 191 of the Indian Succession Act, 1925 (39 of 1925).

6. *Value of gifts, how determined.*—(1) The value of any property other than cash transferred by way of gift shall, subject to the provisions of sub-sections (2) and (3), be estimated to be the price which in the opinion of the Gift-tax Officer it would fetch if sold in the open market on the date on which the gift was made.

(2) Where a person makes a gift which is not revocable for a specified period, the value of the property gifted shall be the capitalised value of the income from the property gifted during the period for which the gift is not revocable.

(3) Where the value of any property cannot be estimated under sub-section (1) because it is not saleable in the open market, the value shall be determined in the prescribed manner.

CHAPTER III

GIFT-TAX AUTHORITIES

7. *Gift-tax Officers.*—Every Income-tax Officer having jurisdiction or exercising powers as such under the Income-tax Act in respect of any person shall perform the function of a Gift-tax Officer under this Act in respect of that person.

Explanation.—For the purposes of this section, the Income-tax Officer having jurisdiction in relation to a person who has no income assessable to income-tax under the Income-tax Act, means the Income-tax Officer of the area in which that person resides.

8. *Appellate Assistant Commissioners of Gift-tax.*—The Board may empower as many persons as it thinks fit to exercise under this Act the functions of an Appellate Assistant Commissioner of Gift-tax, and on being so empowered the Appellate Assistant Commissioners shall perform their functions in respect of such areas or such persons or such classes of persons as the Board may direct, and where such directions have assigned to two or more Appellate Assistant Commissioners the same areas or the same persons or the same classes of persons they shall perform their functions in accordance with such orders as the Board may make for the distribution and allocation of the work to be performed.

9. *Commissioners of Gift-tax.*—The Board may empower as many persons as it thinks fit to exercise under this Act the functions of a Commissioner of Gift-tax,

and on being so empowered the Commissioners of Gift-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Board may direct, and where such directions have assigned to two or more Commissioners the same area, or the same persons or the same classes of persons they shall have concurrent jurisdiction subject to such orders, if any, as the Board may make for the distribution and allocation of the work to be performed.

10. *Inspecting Assistant Commissioners of Gift-tax.*—The Commissioner of Gift-tax may empower as many persons as he thinks fit to exercise under this Act the functions of an Inspecting Assistant Commissioner of Gift-tax, and on being so empowered the Inspecting Assistant Commissioners of Gift-tax shall perform their functions in respect of such areas or such persons or such classes of persons as the Commissioner may direct, and where such directions have assigned to two or more Inspecting Assistant Commissioners the same area or the same persons or the same classes of persons they shall perform their functions in accordance with such orders as the Commissioner may make for the distribution and allocation of the work to be performed.

11. *Gift-tax Officers to be subordinate to the Commissioner of Gift-tax and the Inspecting Assistant Commissioner of Gift-tax.*—The Gift-tax Officers shall be subordinate to the Commissioner of Gift-tax and the Inspecting Assistant Commissioner of Gift-tax within whose jurisdiction they perform their functions.

12. *Gift tax authorities to follow orders, etc. of the Board.*—All officers and other persons employed in the execution of this Act shall observe and follow the orders, instructions and directions of the Board:

Provided that no orders, instructions or directions shall be given by the Board so as to interfere with the discretion of the Appellate Assistant Commissioner of Gift-tax in the exercise of his appellate functions.

CHAPTER IV

ASSESSMENT

13. *Return of gifts.*—(1) Every person who during a previous year has made any taxable gifts shall, before the thirtieth day of June of the corresponding assessment year, furnish to the Gift-tax Officer a return in the prescribed form and verified in the prescribed manner.

(2) If the Gift-tax Officer is of opinion that in respect of the gifts made by a person during any previous year he is liable to Gift-tax under this Act, then notwithstanding anything contained in sub-section (1), he may serve a notice upon such person requiring him to furnish within such period, not being less than thirty days, as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner.

(3) The Gift-tax Officer may in his discretion extend the date for the delivery of the return under this section.

14. *Return after due date and amendment of return.*—If any person has not furnished a return within the time allowed under section 13, or having furnished a return under that section, discovers any omission or a wrong statement therein, he may furnish a return or a revised return, as the case may be, at any time before the assessment is made.

15. *Assessment.*—(1) If the Gift-tax Officer is satisfied without requiring the presence of the assessee or the production by him of any evidence that a return made under section 13 or section 14 is complete, he shall assess the value of the taxable gifts made by the assessee and determine the amount payable by him as gift-tax.

(2) If the Gift-tax Officer is not so satisfied, he shall serve a notice on the assessee either to attend in person at his office on a date to be specified in the notice or to produce or cause to be produced on that date any evidence on which the assessee may rely in support of his return.

(3) The Gift-tax Officer, after hearing such evidence as the person may produce and such other evidence as he may require on any specified points shall, by order in writing, assess the value of taxable gifts made by the assessee and determine the amount payable by him as gift-tax.

(4) For the purpose of making an assessment under this Act, the Gift-tax Officer may serve on any person who has made a return under sub-section (1) of section 13 or section 14, or upon whom a notice has been served under sub-section (2) of section 13, a notice requiring him to produce or cause to be produced on a date specified in the notice such accounts, records or other documents as the Gift-tax Officer may require.

(5) If any person fails to make a return in response to any notice under sub-section (2) of section 13 or fails to comply with the terms of any notice issued under sub-section (2) or sub-section (4), the Gift-tax Officer shall estimate the value of taxable gifts to the best of his judgment and determine the amount payable by the person as gift-tax.

16. Gift escaping assessment.—(1) If the Gift-tax Officer—

- (a) has reason to believe that by reason of omission or failure on the part of an assessee to make a return under section 13 for any assessment year or to disclose fully and truly all material facts necessary for his assessment for that year, any taxable gift has escaped assessment for that year, whether by reason of under assessment or assessment at too low a rate or otherwise; or
- (b) has, in consequence of any information in his possession, reason to believe, notwithstanding that there has been no such omission or failure as is referred to in clause (a), that any taxable gift has escaped assessment for any year, whether by reason of under-assessment or assessment at too low a rate or otherwise;

he may, in cases falling under clause (a) at any time within eight years and in cases falling under clause (b) at any time within four years of the end of that assessment year, serve on the assessee a notice containing all or any of the requirements which may be included in a notice under sub-section (2) of section 13, and may proceed to assess or re-assess any taxable gift which has escaped assessment, and the provisions of this Act shall, so far as may be, apply as if the notice had issued under that sub-section.

(2) Nothing contained in this section limiting the time within which any proceedings for assessment or re-assessment may be commenced shall apply to an assessment or reassessment to be made on the assessee or any person in consequence of or to give effect to any finding or direction contained in an order under section 22, section 23, section 24, section 26 or section 28.

17. Penalty for default and concealment.—(1) If the Gift-tax Officer, Appellate Assistant Commissioner, Commissioner or Appellate Tribunal, in the course of any proceedings under this Act, is satisfied that any person—

- (a) has without reasonable cause failed to furnish the return which he is required to furnish under sub-section (1) or sub-section (2) of section 13, or section 16 or has without reasonable cause failed to furnish it within the time allowed and in the manner required; or

- (b) has without reasonable cause failed to comply with a notice under sub-section (2) or sub-section () of section 15; or

- (c) has concealed the particulars of any gift or deliberately furnished in accurate particulars thereof; he or it may, by order in writing, direct that such person shall pay by way of penalty—

- (i) in the case referred to in clause (a), in addition to the amount of gift-tax payable by him, a sum not exceeding one and a half times the amount of such tax, and

- (ii) in the case referred to in clause (b) or clause (c), in addition to the amount of gift-tax payable by him, a sum not exceeding one and a half times the amount of the tax, if any, which would have been avoided if the return made by such person under section 13, section 14, or section 16, as the case may be, had been accepted as correct.

(2) No order shall be made under sub-section (1) unless the person concerned has been given a reasonable opportunity of being heard.

(3) No prosecution for an offence under this Act shall be instituted in respect of the same facts in relation to which a penalty has been imposed under this section.

(4) The Gift-tax Officer shall not impose any penalty under this section without the previous approval of the Inspecting Assistant Commissioner of Gift-tax.

18. Rebate on advance payments.—(1) If a person making a taxable gift of the value of not less than rupees ten thousand pays into the treasury, in the case of a taxable gift made before the 16th day of July, 1958, before the 1st day of August, 1958, and, in the case of any other taxable gift, within fifteen days of his making the gift, an amount calculated in the manner specified in sub-section (2), he shall, at the time of assessment under section 13, be given credit in addition to the amount so paid, for an amount equal to ten per cent of the amount so paid.

(2) The amount to be paid into the treasury under sub-section (1) shall be—

- (a) where the value of the gift does not exceed rupees fifty thousand, four per cent of the value;
- (b) where the value of the gift exceeds rupees fifty thousand but does not exceed rupees two hundred thousand, eight per cent of the value; and
- (c) in any other case, fifteen per cent of the value.

CHAPTER V

LIABILITY TO ASSESSMENT IN SPECIAL CASES

19. Tax of deceased person payable by legal representative.—(1) Where a person dies, his executor, administrator, or other legal representative shall be liable to pay out of the estate of the deceased person, to the extent to which the estate is capable of meeting the charge, the gift tax determined as payable by such person, or any sum which would have been payable by him under this Act if he had not died.

(2) Where a person dies without having furnished a return under section 13, or after having furnished a return which the Gift-tax Officer has reason to believe to be incorrect or incomplete, the Gift-tax Officer may make an assessment of the value of the taxable gifts made by such person and determine the gift-tax payable by him, and for this purpose may, by the issue of the appropriate notice which would have had to be served upon the deceased person if he had survived, require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which might, under the provisions of section 15 have been required from the deceased person.

(3) The provisions of sections 13, 14 and 16 shall apply to an executor, administrator or other legal representative as they apply to any person referred to in that section.

20. Assessment after partition of a Hindu undivided family.—(1) Where, at the time of making an assessment, it is brought to the notice of the Gift-tax Officer that a partition has taken place among the members of a Hindu undivided family, and the Gift-tax Officer, after enquiry, is satisfied that the joint family property has been partitioned among the various members or groups of members in definite portions, he shall record an order to that effect and he shall make assessments on the amount of taxable gifts made by the family as such as if no partition had taken place and each member or group of members shall be liable jointly and severally for the tax assessed on the value of the taxable gifts made by the joint family as such.

(2) Where the Gift-tax Officer is not so satisfied, he may, by order, declare that such family shall be deemed for the purposes of this Act to continue to be a Hindu undivided family.

21. Liability in case of discontinued firm or association of persons.—(1) Where a firm or association of persons liable to pay gift-tax has been discontinued or dissolved, the Gift-tax Officer shall determine the gift-tax payable by the firm or association of persons as such as if no such discontinuance or dissolution had taken place.

(2) If the Gift-tax Officer, the Appellate Assistant Commissioner or the Appellate Tribunal in the course of any proceedings under this Act in respect of any such firm or other association of persons as is referred to in sub-section (1) is satisfied that the firm or association is guilty of any of the acts specified in clause (a) or clause (b) or clause (c) of sub-section (1) of section 17, he or it may impose or direct the imposition of a penalty in accordance with the provisions of that section.

(3) Every person who was at the time of such discontinuance or dissolution a partner of the firm or a member of the association, as the case may be, shall be jointly and severally liable for the amount of tax or penalty payable, and all the provisions of Chapter VII, so far as may be, shall apply to any such assessment or imposition of penalty.

CHAPTER VI

APPEALS, REVISIONS AND REFERENCES

22. Appeal to the Appellate Assistant Commissioner from orders of Gift-tax Officers.—(1) Any person,—

- objecting to the value of his taxable gifts determined under this Act; or
- objecting to the amount of gift-tax determined as payable by him under this Act; or
- denying his liability to be assessed under this Act; or
- objecting to any penalty imposed by the Gift-tax Officer under section 17; or
- objecting to any order of the Gift-tax Officer under sub-section (2) of section 20; or
- objecting to any penalty imposed by the Gift-tax Officer under sub-section (1) of section 46 of the Income-tax Act as applied under section 33 for the purposes of gift-tax;

may appeal to the Appellate Assistant Commissioner against the assessment or order, as the case may be, in the prescribed form and verified in the prescribed manner:

Provided that no appeal shall lie under clause (f) unless the tax has been paid before the appeal is filed.

(2) An appeal shall be presented within thirty days of the receipt of the notice of demand relating to the assessment or penalty objected to, or the date on which

any order objected to, is communicated to him, but the Appellate Assistant Commissioner may admit an appeal after the expiration of the period aforesaid if he is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(3) The Appellate Assistant Commissioner shall fix a day and place for the hearing of the appeal and may from time to time adjourn the hearing.

(4) The Appellate Assistant Commissioner may,—

- at the hearing of an appeal allow an appellant to go into any ground of appeal not specified in the grounds of appeal;
- before disposing of an appeal, make such further inquiry as he thinks fit or cause further inquiry to be made by the Gift-tax Officer.

(5) In disposing of an appeal, the Appellate Assistant Commissioner may pass such order as he thinks fit which may include an order enhancing the amount of gift-tax determined or penalty imposed:

Provided that no order enhancing the amount of gift-tax determined or penalty imposed shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) A copy of every order passed by the Appellate Assistant Commissioner under this section shall be forwarded to the appellant and the Commissioner.

23. Appeal to the Appellate Tribunal.—(1) Any assessee objecting to an order passed by the Appellate Assistant Commissioner under section 17 or section 22 or to an order passed by the Commissioner under section 17 may appeal to the Appellate Tribunal within sixty days of the date on which he is served with notice of such order.

(2) The Commissioner may, if he is not satisfied as to the correctness of any order passed by an Appellate Assistant Commissioner under section 22 direct the Gift-tax Officer to appeal to the Appellate Tribunal against such order, and such appeal may be made at any time before the expiry of sixty days of the date on which the order is communicated to the Commissioner.

(3) The Appellate Tribunal may admit an appeal after the expiry of sixty days referred to in sub-sections (1) and (2) if it is satisfied that there was sufficient cause for not presenting it within that period.

(4) An appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner and shall, except in the case of an appeal referred to in sub-section (2) be accompanied by a fee of rupees one hundred.

(5) The Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, and any such orders may include an order enhancing the amount of gift-tax determined or penalty imposed:

Provided that no order enhancing the amount of gift-tax determined or penalty imposed shall be made unless the person affected thereby has been given a reasonable opportunity of showing cause against such enhancement.

(6) Where the appellant objects to the valuation of any gift, the Appellate Tribunal may, and if the appellant so requires, shall, refer the question of disputed value to the arbitration of two valuers, one of whom shall be nominated by the appellant and the other by the respondent, and the Appellate Tribunal shall, so far as that question is concerned, pass its order under sub-section (5) conformably to the decision of the valuers:

Provided that if there is a difference of opinion between the two valuers, the matter shall be referred to a third valuer nominated by agreement, or failing agreement, by the Appellate Tribunal, and the decision of that valuer on the question of valuation shall be final.

(7) The costs of any arbitration proceeding under sub-section (6) shall be borne by the Central Government or the assessee, as the case may be, at whose instance the question was referred to the valuers:

Provided that where the assessee has been wholly or partially successful in any reference made at his instance, the extent to which the costs shall be borne by the assessee shall be at the discretion of the Appellate Tribunal.

(8) The valuers may, in disposing of any matter referred to them for arbitration under sub-section (6), hold or cause to be held such inquiry as they think fit, and after giving the appellant and the respondent an opportunity of being heard, pass such orders thereon as they think fit and shall send a copy of such order to the Appellate Tribunal.

(9) A copy of every order passed by the Appellate Tribunal under this section shall be forwarded to the assessee and the Commissioner.

(10) Save as provided in section 26, any order passed by the Appellate Tribunal on appeal shall be final.

(11) The provisions of sub-sections (5), (7) and (8) of section 5A of the Income-tax Act shall apply to the Appellate Tribunal in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Income-tax Act.

24. Power of Commissioner revise orders of subordinate authorities.—(1) The Commissioner may, either on his own motion or on application made by an assessee in this behalf, call for the record of any proceeding under this Act in which an order has been passed by any authority subordinate to him, and may make such inquiry or cause such inquiry to be made, and, subject to the provisions of this Act, pass such order thereon not being an order prejudicial to the assessee, as the Commissioner thinks fit:

Provided that the Commissioner shall not revise any order under this sub-section in any case—

- (a) where an appeal against the order lies to the Appellate Assistant Commissioner or to the Appellate Tribunal and the time within which such appeal can be made has not expired or, in the case of the Appellate Tribunal, the assessee has not waived his right of appeal;
- (b) where the order is pending in appeal before the Appellate Assistant Commissioner or has been the subject of an appeal to the Appellate Tribunal;
- (c) where the application is made by the assessee for such revision unless—
 - (i) the application is accompanied by a fee of rupees twenty-five; and
 - (ii) the application is made within one year from the date of the order sought to be revised or within such further period as the Commissioner may think fit to allow on being satisfied that the assessee was prevented by sufficient cause from making the application within that period; and
- (d) where the order is sought to be revised by the Commissioner on his own motion, if such order is made more than one year previously.

Explanation.—For the purposes of this sub-section,—

- (a) the Appellate Assistant Commissioner shall be deemed to be an authority subordinate to the Commissioner, and
- (b) an order by the Commissioner declining to interfere shall be deemed not to be an order prejudicial to the assessee.

(2) Without prejudice to the provisions contained in sub-section (1) the Commissioner may call for and examine the record of any proceeding under this Act, and,

if he considers that any order passed therein by a Gift-tax Officer is erroneous in so far as it is prejudicial to the interests of revenue, he may, after giving the assessee an opportunity of being heard, and after making or causing to be made such inquiry as he deems necessary, pass such order thereon as the circumstances of the case justify, including an order enhancing or modifying the assessment or cancelling it and directing a fresh assessment.

(3) No order shall be made under sub-section (2) after the expiry of two years from the date of the order sought to be revised.

25. Appeal to the Appellate Tribunal from orders of enhancement by Commissioner.—(1) Any assessee objecting to an order of enhancement made by the Commissioner under section 24 may appeal to the Appellate Tribunal within sixty days of the date on which the order is communicated to him.

(2) An appeal to the Appellate Tribunal under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a fee of rupees one hundred.

(3) The provisions of sub-sections (3) and (5) to (10) inclusive of section 23 shall apply in relation to any appeal under this section as they apply in relation to any appeal under that section.

26. Reference to High Court.—(1) Within ninety days of the date upon which he is served with an order under section 23 or section 25, the assessee or the Commissioner may present an application in the prescribed form and where the application is by the assessee, accompanied by a fee of rupees one hundred, to the Appellate Tribunal requiring the Appellate Tribunal to refer to the High Court any question of law arising out of such order, and the Appellate Tribunal shall, if in its opinion, a question of law arises out of such order, state the case for the opinion of the High Court.

(2) An application under sub-section (1) may be admitted after the expiry of the period of ninety days aforesaid if the Appellate Tribunal is satisfied that there was sufficient cause for not presenting it within the said period.

(3) If, on an application made under sub-section (1), the Appellate Tribunal,—

- (a) refuses to state a case on the ground that no question of law arises, or
- (b) rejects it on the ground that it is time-barred, the applicant may, within ninety days from the date on which he is served with a notice of refusal or rejection, as the case may be, apply to the High Court, and the High Court may, if it is not satisfied with the correctness of the decision of the Appellate Tribunal, require the Appellate Tribunal to state the case to the High Court, and on receipt of such requisition the Appellate Tribunal shall state the case:

Provided that, in any case where the Appellate Tribunal has been required by an assessee to state a case the Appellate Tribunal refuses to do so on the ground that no question of law arises, the assessee may, within thirty days from the date on which he receives notice of refusal to state the case, withdraw his application, and if he does so, the fee paid by him under sub-section (1) shall be refunded to him.

(4) The statement to the High Court shall set forth the facts, the determination of the Appellate Tribunal and the question of law which arises out of the case.

(5) If the High Court is not satisfied that the case as stated is sufficient to enable it to determine the question of law raised thereby, it may require the Appellate

Tribunal to make such modification therein as it may direct.

(6) The High Court, upon hearing any such case, shall decide the question of law raised therein, and in doing so, may, if it thinks fit, alter the form of the question of law and shall deliver judgement thereon containing the grounds on which such decision is founded and shall send a copy of the judgment under the seal of the Court and the signature of the Registrar to the Appellate Tribunal and the Appellate Tribunal shall pass such orders as are necessary to dispose of the case conformably to such judgment.

(7) Where the amount of any assessment is reduced as a result of any reference to the High Court, the amount, if any, overpaid as gift-tax shall be refunded with such interest as the Commissioner may allow, unless the High Court, on intimation given by the Commissioner within thirty days of the receipt of the result of such reference that he intends to ask for leave to appeal to the Supreme Court, makes an order authorising the Commissioner to postpone payment of such refund until the disposal of the appeal in the Supreme Court.

(8) The cost of any reference to the High Court shall be in the discretion of the Court.

(9) Section 5 of the Indian Limitation Act, 1908 (9 of 1908), shall apply to an application to the High Court under this section.

27. Hearing by High Court.—When a case has been stated to the High Court under section 25, it shall be heard by a Bench of not less than two Judges of the High Court and shall be decided in accordance with the opinion of such judges or of the majority of such Judges if any:

Provided that where there is no such majority, the Judges shall state the point of law upon which they differ and the case shall then be heard upon that point only by one or more of the Judges of the High Court, and such point shall be decided according to the opinion of the majority of the Judges who have heard the case including those who first heard it.

28. Appeal to Supreme Court.—(1) An appeal shall lie to the Supreme Court from any judgement of the High Court delivered on a case stated under section 26 in any case which the High Court certifies as a fit case for appeal to the Supreme Court.

(2) Where the judgment of the High Court is varied or reversed on appeal under this section, effect shall be given to the order of the Supreme Court in the manner provided in sub-section (6) of section 26.

(3) The High Court may, on application made to it for the execution of any order of the Supreme Court in respect of any costs awarded by it, transmit the order for execution to any Court subordinate to the High Court.

CHAPTER VII

PAYMENT AND RECOVERY OF GIFT-TAX

29. Gift-tax by whom payable.—Gift-tax shall be payable by the donor but where in the opinion of the Gift-tax Officer the tax cannot be recovered from the donor, it may be recovered from the donee:

Provided that the amount of the tax which may be recovered from the donee shall not exceed that portion of the gift-tax which is attributable to the value of the gift made to the donee by the donor as at the date of the gift.

30. Gift-tax to be charged on property gifted.—Gift-tax payable in respect of any gift comprising immovable property shall be a first charge on that property but any such charge shall not affect the title of a *bona fide* purchaser for valuable consideration without notice of the charge.

31. Notice of demand.—When any tax or penalty is due in consequence of any order passed under this Act, the

Gift-tax Officer shall serve upon the assessee or other person liable to pay such tax or penalty a notice of demand in the prescribed form specifying the sum so payable and the time within which it shall be payable.

32. Recovery of tax and penalties.—(1) Any amount specified as payable in a notice of demand issued under section 31 shall be paid within the time, at the place, and to the person mentioned in the notice, or if no time is so mentioned, then on or before the first day of the second month following the date of service of the notice, and any assessee or other person liable to pay the amount failing so to pay shall be deemed to be in default.

(2) Notwithstanding anything contained in this section, where an assessee has presented an appeal under section 22, the Gift-tax Officer may, in his discretion treat the assessee as not being in default as long as such appeal is undisposed of.

33. Mode of recovery.—The provisions of sub-sections (1) (1A), (2), (3), (4), (5), (5A), (6) and (7) of section 46 and section 47 of the Income-tax Act, shall apply as if the said provisions were provisions of this Act, and referred to gift-tax and sums imposed by way of penalty under this Act instead of to income-tax and sums imposed by way of penalty under that Act, and to Gift-tax Officer and Commissioner of Gift-tax instead of to Income-tax Officer and Commissioner of Income-tax.

CHAPTER VIII

MISCELLANEOUS

34. Rectification of mistakes.—At any time within four years from the date of any order passed by him, or it, the Gift-tax Officer, the Appellate Assistant Commissioner, the Commissioner and the Appellate Tribunal may, on his, or its, own motion rectify any mistake apparent from the record and shall, within a like period rectify any such mistake which has been brought to the notice of the Gift-tax Officer, the Appellate Assistant Commissioner, the Commissioner or the Appellate Tribunal, as the case may be, by an assessee:

Provided that no such rectification shall be made which has the effect of enhancing the amount of gift-tax determined unless the assessee has been given a reasonable opportunity of being heard in the matter.

35. Prosecution.—(1) If any person fails without reasonable cause,—

(a) to furnish in due time any return of gifts under this Act:

(b) to produce, or cause to be produced, on or before the date mentioned in any notice under sub-section (2) or sub-section (4) of section 15, such accounts, records and documents as are referred to in the notice;

(c) to furnish within the time specified any statement or information which such person is bound to furnish to the Gift-tax Officer under section 37:

he shall, on conviction before a magistrate, be punishable with fine which may extend to rupees ten for every day during which the default continues.

(2) If a person makes a statement in a verification in any return of gifts furnished under this Act or in a verification mentioned in section 22, 23 or 25 which is false, and which he either knows or believes to be false, or does not believe to be true, he shall on conviction before a magistrate, be punishable with simple imprisonment which may extend to one year, or with fine which may extend to rupees one thousand, or with both.

(3) A person shall not be proceeded against for an offence under this section except at the instance of the Commissioner.

(4) The Commissioner may either before or after the institution of proceedings compound any such offence.

Explanation.—For the purposes of this section “Magistrate” means a presidency magistrate, a magistrate of the first class or a magistrate of the second class specially empowered by the Central Government to try offences under this Act.

36. **Power to take evidence on oath, etc.**—The Gift-tax Officer, the Appellate Assistant Commissioner, the Commissioner and the Appellate Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:

- (a) enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for the examination of witnesses;

and any proceeding before the Gift-tax Officer, the Appellate Assistant Commissioner, the Commissioner or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (45 of 1860).

37. **Power to call for information.**—Where, for the purposes of determining the gift-tax payable by any person, it appears necessary for the Gift-tax Officer to obtain any statement or information from any person, the Gift-tax Officer may serve a notice requiring such person, on or before a date to be therein specified, to furnish such statement or information on the points specified in the notice, and that person shall, notwithstanding anything in any law to the contrary, be bound to furnish such statement or information to the Gift-tax Officer:

Provided that no legal practitioner shall be bound to furnish any statement or information under this section based on any professional communications made to him otherwise than as permitted by section 126 of the Indian Evidence Act, 1872 (1 of 1872).

38. **Effect of transfer of authorities on pending proceedings.**—Whenever in respect of any proceeding under this Act any Gift-tax authority ceases to exercise jurisdiction and is succeeded by another who has and exercises such jurisdiction, the authority so succeeding may continue the proceeding from the stage at which the proceeding was left by his predecessor.

39. **Computation of period of limitation.**—In computing the period of limitation, prescribed for an appeal under this Act or for an application under section 26, the day on which the order complained of was made and the time requisite for obtaining a copy of such order shall be excluded.

40. **Service of notice.**—(1) A notice or a requisition under this Act may be served on the person therein named either by post or as if it were summons issued by a court under the Code of Civil Procedure, 1908 (5 of 1908).

(2) Any such notice or requisition may, in the case of a firm or a Hindu undivided family be addressed to any member of the firm or to the manager or any adult male member of the family, and in the case of a company or association of persons be addressed to the principal officer thereof.

41. **Prohibition of disclosure of information.** (1) Subject to the provisions contained in sub-section (2), the provisions of section 54 of the Income-tax Act shall apply to all accounts or in relation to statements, documents, evidence or affidavits given, produced or obtained in connection with or in the course of any proceeding under this Act as they apply to or in relation to similar particulars under that Act subject to the modification that

the reference to any “Income-tax authority” in clause (d) of sub-section (3) and to the “Commissioner” in sub-section (5) of section 54 of that Act shall be construed as a reference to any “Gift-tax authority” and to the “Commissioner of Gift-tax”, respectively.

(2) Nothing contained in section 54 of the Income-tax Act shall apply to the disclosure of any such particulars as are referred to in sub-section (1) to any person acting in the execution of this Act or the Income-tax Act, or the Estate Duty Act, 1953 (34 of 1953), or the Wealth-tax Act, 1957 (27 of 1957), or the Expenditure-tax Act, 1957 (29 of 1957), where it is necessary or desirable to disclose the same to him for purposes of this Act or any of the other Acts aforesaid.

42. **Bar of suits in civil court.**—No suit shall lie in any court to set aside or modify any assessment made under this Act, and no prosecution, suit or other legal proceeding shall lie against any officer of the Government for anything in good faith done or intended to be done under this Act.

43. **Appearance before Gift-tax authorities by authorised representatives.**—Any assessee who is entitled to or required to attend before any Gift-tax authority or the Appellate Tribunal in connection with any proceeding or inquiry under this Act, except where he is required under this Act, to attend in person, may attend by a person authorised by him in writing in this behalf, being a relative of, or a person regularly employed by the assessee or a legal practitioner or a chartered accountant or any other person having such qualifications as may be prescribed.

Explanation.—For the purposes of this section,—

- (a) the expression “a person regularly employed by the assessee” includes any officer of a scheduled bank with which the assessee maintains a current account has other regular dealings;
- (b) “chartered accountant” means a chartered accountant as defined in the Chartered Accountant Act, 1949 (38 of 1949).

44. **Agreement for avoidance or relief of double taxation with respect to gift-tax.**—The Central Government may enter into any agreement with the Government of any reciprocating country for the avoidance or relief of double taxation with respect to gift-tax payable under this Act and under the corresponding law in force in the reciprocating country and may, by notification in the Official Gazette, make such provision as may be necessary for implementing the agreement.

Explanation.—The expression “reciprocating country” for the purposes of this Act means any country which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating country.

45. **Act not to apply in certain cases.**—The provisions of this Act shall not apply to gifts made by—

- (a) a Government company as defined in section 617 of the Companies Act, 1956 (X of 1956);
- (b) a corporation established by a Central, State or Provincial Act;
- (c) any company (other than a private company as defined in section 3 of the Companies Act, 1956):

Provided that the affairs of the company or the shares in the company carrying more than fifty per cent of the total voting power were at no time during the previous year controlled or held by less than six persons;

- (d) a company which is a subsidiary of and in which more than half the nominal value of equity share capital is held by a company referred to in clause (c);
- (e) any institution or fund the income whereof is exempt from income-tax under clause (i) of sub-section (3) of section 4 of the Income-tax Act.

Explanation.—For the purpose of computing the number of six persons referred to in the proviso to clause (c), persons who are related to one another as husband and wife, brother and sister, brothers, sisters or who are lineal descendants or ascendants of one another and persons who are nominees of any other person together with that other person shall be treated as a single person.

46. Power to make rules.—(1) The Board may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

- (a) the manner in which the value of any property may be determined;
- (b) the form in which returns under this Act shall be made and the manner in which they shall be verified;
- (c) the form in which appeals and applications under this Act may be made, and the manner in which they shall be verified;
- (d) the form of any notice of demand under this Act;
- (e) the refunds of gift-tax paid in respect of gifts which are revoked on the happening of any specified event which does not depend on the will of the donor or of any amount paid under section 18;
- (f) the areas for which lists of valuers may be drawn up;
- (g) any other matter which has to be, or may be, prescribed for the purposes of this Act.

(3) The power to make rules conferred by this section shall on the first occasion of the exercise thereof include the power to give retrospective effect to the rules or any of them from a date not earlier than the date of commencement of this Act.

(4) All rules made under this Act shall be laid before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

THE SCHEDULE

(See section 3)

RATES OF GIFT-TAX

	Rate of gift-tax
(1) On the first Rs. 50,000 of the value of all taxable gifts	4%
(2) On the next Rs. 50,000 of the value of all taxable gifts	6%
(3) On the next Rs. 50,000 of the value of all taxable gifts	8%
(4) On the next Rs. 50,000 of the value of all taxable gifts	10%
(5) On the next Rs. 1,00,000 of the value of all taxable gifts	12%
(6) On the next Rs. 2,00,000 of the value of all taxable gifts	15%
(7) On the next Rs. 5,00,000 of the value of all taxable gifts	20%
(8) On the next Rs. 10,00,000 of the value of all taxable gifts	25%
(9) On the next Rs. 10,00,000 of the value of all taxable gifts	30%
(10) On the next Rs. 20,00,000 of the value of all taxable gifts	35%
(11) On the balance of the value of all taxable gifts	40%

Simla-4, the 30th September, 1959

No. L.R. 16-12/58.—The following Act recently passed by the Parliament of India and already published in the Gazette of India Extraordinary part II, section I, dated 3rd September, 1959 is hereby republished in the Himachal Pradesh Administration Gazette for the information of general public:—

The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (No. 31 of 1959).

Sd/-

Under Secretary (Judicial).

Received assent on 2-9-1959.

THE EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES) ACT, 1959 (31 OF 1959)

AN

ACT

to provide for the compulsory notification of vacancies to employment exchanges.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States or for different areas of a State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means—

(1) in relation to—

(a) any establishment of any railway, major port, mine or oil field, or

(b) any establishment owned, controlled or managed by—

(i) the Central Government or a department of the Central Government,

(ii) a company in which not less than fifty-one percent of the share capital is held by the Central Government or partly by the Central Government and partly by one or more State Governments,

(iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government,

the Central Government;

(2) in relation to any other establishment, the Government of the State in which that other establishment is situate;

(b) “employee” means any person who is employed in an establishment to do any work for remuneration;

(c) “employer” means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

- (d) "employment exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting—
- persons who seek to engage employees,
 - persons who seek employment, and
 - vacancies to which persons seeking employment may be appointed;
- (e) "establishment" means—
- any office, or
 - any place where any industry, trade, business or occupation is carried on;
- (f) "establishment in public sector" means an establishment owned, controlled or managed by—
- the Government or a department of the Government;
 - a Government company as defined in section 617 of the Companies Act, 1956 (I of 1956);
 - a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;
 - a local authority;
- (g) "establishment in private sector" means an establishment which is not an establishment in public sector and where ordinarily twenty-five or more persons are employed to work for remuneration;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "unskilled office work" means work done in an establishment by any of the following categories of employees, namely:—
- daftri*;
 - jemadar*, orderly and peon;
 - dusting man or *farash*;
 - bundle or record lifter;
 - process server;
 - watchman;
 - sweeper;
 - any other employee doing any routine or unskilled work which the Central Government may, by notification in the Official Gazette, declare to be unskilled office work.
3. *Act not to apply in relation to certain vacancies.*—(1) This Act shall not apply in relation to vacancies,—
- in any employment in agriculture (including horticulture) in any establishment in private sector other than employment as agricultural or farm machinery operatives;
 - in any employment in domestic service;
 - in any employment the total duration of which is less than three months;
 - in any employment to do unskilled office work;
 - in any employment connected with the staff of Parliament.
- (2) Unless the Central Government otherwise directs by notification in the Official Gazette in this behalf, this Act shall not also apply in relation to—
- vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment or on the result of any examination conducted or interview held by, or on the recommendation of, any independent agency, such as the Union or a State Public Service Commission and the like;
 - vacancies in an employment which carries a remuneration of less than sixty rupees in a month.

4. *Notification of vacancies to employment exchanges.*—(1) After the commencement of this Act in any State or area thereof, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed.

(2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.

(3) The manner in which the vacancies referred to in sub-section (1) or sub-section (2) shall be notified to the employment exchanges and the particulars of employments in which such vacancies have occurred or are about to occur shall be such as may be prescribed.

(4) Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-sections.

5. *Employers to furnish information and returns in prescribed form.*—(1) After the commencement of this Act in any State or area thereof, the employer in every establishment in public sector in that State or area shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment, to such employment exchanges as may be prescribed.

(2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.

(3) The form in which, and the intervals of time at which, such information or return shall be furnished and the particulars which they shall contain shall be such as may be prescribed.

6. *Right of access to records or documents.*—Such officer of Government as may be prescribed in this behalf, or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section.

7. *Penalties.*—(1) If any employer fails to notify to the employment exchanges prescribed for the purpose any vacancy in contravention of sub-section (1) or sub-section (2) of section 4, he shall be punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with fine which may extend to one thousand rupees.

(2) If any person—

- (a) required to furnish any information or return—
 - (i) refuses or neglects to furnish such information or return, or
 - (ii) furnishes or causes to be furnished any information or return which he knows to be false, or
 - (iii) refuses to answer, or gives a false answer to, any question necessary for obtaining any information required to be furnished under section 5; or
- (b) impedes the right of access to relevant records or documents or the right of entry conferred by section 6,

he shall be punishable for the first offence with fine which may extend to two hundred and fifty rupees and for every subsequent offence with fine which may extend to five hundred rupees.

8. *Cognizance of offences.*—No prosecution for an offence under this Act shall be instituted except by, or with the sanction, of, such officer of Government as may be prescribed in this behalf or any person authorised by that officer in writing.

9. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the employment exchange or exchanges to which, the form and manner in which, and the time within which, vacancies shall be notified, and the particulars of employments in which such vacancies have occurred or are about to occur;
- (b) the form and manner in which, and the intervals at which, information and returns required under section 5 shall be furnished, and the particulars which they shall contain;
- (c) the officers by whom and the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised;
- (d) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Simla-4, the 23rd October, 1959

No. LR. 16-12/58.—The following Acts recently passed by the Parliament of India and already published in the Gazette of India Extraordinary part II, section I, dated 9th and 19th September, 1959 respectively are hereby republished in the Himachal Pradesh Administration Gazette for the information of general public:—

1. The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959 (No. 47 of 1959).

2. The Central Excises and Salt (Amendment) Act, 1959 (No. 37 of 1959).

K. R. TANDON,
Under Secretary (Judicial).

Received assent on 18-9-1959.

THE RAJASTHAN AND MADHYA PRADESH
(TRANSFER OF TERRITORIES) ACT, 1959
(47 of 1959)

AN
ACT

to provide for the transfer of certain territories from the State of Rajasthan to the State of Madhya Pradesh and for matters connected therewith.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “appointed day” means the 1st day of October, 1959;
- (b) “assembly constituency”, “council constituency” and “parliamentary constituency” have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);
- (c) “sitting member”, in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;
- (d) “transferred territories” means the territories specified in the First Schedule and transferred from the State of Rajasthan to the State of Madhya Pradesh by section 3.

3. *Transfer of territories from Rajasthan to Madhya Pradesh.*—(1) As from the appointed day, there shall be added to the State of Madhya Pradesh the territories specified in the First Schedule which shall thereupon cease to form part of the State of Rajasthan.

(2) The transferred territories shall be included in, and form part of, Bhanpura pargana of Mandsaur district in the State of Madhya Pradesh.

(3) Nothing in sub-section (2) shall be deemed to affect the power of the State Government to alter after the appointed day the name, extent or boundaries of any district in the State of Madhya Pradesh.

4. *Amendment of the First Schedule to the Constitution.*—As from the appointed day, in the First Schedule to the Constitution, under the heading “I. THE STATES”,—

- (a) in the entry against “6. Madhya Pradesh”, after the words and figures “States Re-organisation Act, 1956”, the words, brackets and figures “and the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959” shall be inserted;
- (b) in the entry against “11. Rajasthan”, after the words and figures “States Re-organisation Act, 1956”, the words, brackets and figures “but excluding the territories specified in the First Schedule to the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959” shall be inserted.

5. *Amendments of Delimitation Orders.*—The Delimitation of Parliamentary and Assembly Constituencies

Order, 1956, and the Delimitation of Council Constituencies (Madhya Pradesh) Order, 1957, shall have effect subject to the modifications specified in the Second Schedule.

6. *Provision as to sitting members.*—(1) The sitting members of the House of the People representing Mandsaur constituency in the State of Madhya Pradesh and Kotah constituency in the State of Rajasthan shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the House of the People.

(2) The sitting members of the Legislative Assemblies of Madhya Pradesh and Rajasthan representing Garoth constituency and Begun constituency respectively shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the said Assemblies.

7. *Extension of jurisdiction of Madhya Pradesh High Court.* (1) As from the appointed day,—

(a) the jurisdiction of the High Court of Madhya Pradesh shall extend to the transferred territories; and

(b) the High Court of Rajasthan shall have no jurisdiction in respect of the said territories.

(2) If, immediately before the appointed day, there is any proceeding relating to the transferred territories pending in the High Court of Rajasthan, then, notwithstanding anything contained in sub-section (1), such proceeding shall be heard and disposed of by that High Court.

(3) Any order made by the High Court of Rajasthan in any proceeding with respect to which that High Court exercises jurisdiction by virtue of sub-section (2), shall, for all purposes, have effect, not only as an order of the High Court of Rajasthan, but also as an order made by the High Court of Madhya Pradesh.

(4) For the purposes of this section,—

(a) proceedings shall be deemed to be pending in the High Court of Rajasthan until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(b) reference to a High Court shall be construed as including references to a Judge or Division Court thereof, and references to an order made by a Court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that Court or Judge.

8. *Appropriation of moneys for expenditure in transferred territories under existing Appropriation Acts.*—As from the appointed day, any Act passed by the Legislature of Madhya Pradesh before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year, 1959-60 shall have effect also in relation to the transferred territories, and it shall be lawful for the State Government to spend any amount for those territories out of the amount authorised by such Act to be expended for any services in that State.

9. *Assets and liabilities.* (1) All land and all stores, articles and other goods in the transferred territories belonging to the State of Rajasthan shall, as from the appointed day, pass to the State of Madhya Pradesh.

Explanation.—In this sub-section, the expression “land” includes immovable property of every kind and any rights in or over such property and the expression “goods” does not include coins, bank notes and currency notes.

(2) All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the State of Rajasthan in relation to the transferred territories shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the State of Madhya Pradesh.

10. *State Financial Corporations and State Electricity Boards.*—As from the appointed day,—

(a) the Financial Corporations constituted under the State Financial Corporations Act, 1951 (63 of 1951), for the States of Rajasthan and Madhya Pradesh, and

(b) the State Electricity Boards constituted under the Electricity (Supply) Act, 1948 (54 of 1948) for the said States.

shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

11. *Extension of laws.*—All laws which immediately before the appointed day extend to, or are in force in, the Mandsaur district in the State of Madhya Pradesh but do not extend to, or are not in force in, the transferred territories shall, as from that day, extend to, or as the case may be, come into force in, the transferred territories; and all laws which, immediately before the appointed day, are in force in the transferred territories, but not in Mandsaur district in the State of Madhya Pradesh, shall, on that day, cease to be in force in the transferred territories, except as respects things done or omitted to be done before that day.

Explanation.—In this section “law” includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of Madhya Pradesh or Rajasthan.

12. *Power to construe laws.*—Any court, tribunal or authority required or empowered to enforce any law extended to the transferred territories by section 11 may, for the purpose of facilitating its application in relation to the transferred territories, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

13. *Legal proceedings.*—Where, immediately before the appointed day, the State of Rajasthan is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of Madhya Pradesh under this Act, that State shall be deemed to be substituted for the State of Rajasthan as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

14. *Transfer of pending proceedings.*—(1) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Rajasthan shall, if it is a proceeding relating exclusively to any part of the transferred territories, stand transferred to the corresponding court, tribunal, authority or officer in the State of Madhya Pradesh.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court of Rajasthan and the decision of that High Court shall be final.

(3) In this section,—

(a) “proceeding” includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in Madhya Pradesh means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of Madhya Pradesh, or before the appointed day by the Government of Rajasthan, to be the corresponding court, tribunal, authority or officer.

15. *Effect of provisions inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

16. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act (including any difficulty in relation to the transition under section 11 from one law to another law), the President may by order do anything not inconsistent with any such provision which appears to him to be necessary for the purpose of removing the difficulty.

17. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[See sections 2(d) and 3]

TERRITORIES TRANSFERRED FROM THE STATE OF RAJASTHAN TO THE STATE OF MADHYA PRADESH

The following territories comprised within the villages specified below in Bhensrorgarh tehsil of Chittor district, namely:—

Name of village	Sheet No.	Khasra No.	Area in Big. Bis.
1	2	3	4
Dotada	11	361	124 10
	12	362	814 —
	13	363	173 3
	13	364	572 16
	14	365	926 14
	14	366	15 16
	14	367	200 —
	14	368	202 16
	15	369	364 15
	15	370	239 7
	13	371	14 18
		TOTAL	3,648 15

1	2	3	4
Pipalda	5	220	730 —
	5	221	49 —
	6	222	535 —
	6	223	142 12
		TOTAL	1,456 12
Barkheda	7	118	— 10
	7	119	248 —
	8	120	292 1
	8	121	138 2
		TOTAL	678 13
		GRAND TOTAL	5,784 Big. or 3,085 Acres

THE SECOND SCHEDULE

(See section 5)

PART I

Modifications of the First Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In part "6—MADHYA PRADESH", the Note at the end shall be numbered as "NOTE I" and the following shall be added thereto, namely:—

"NOTE II.—Any reference to Mandsaur district in column 3 of this Part shall be taken to mean the area comprised within that district on the 1st day of October, 1959."

2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—

"NOTE.—Any reference in column 3 of this Part to Chittore district or Bhensrorgarh tehsil, shall be taken to mean the area comprised within that district or tehsil on the 1st day of October, 1959."

PART II

Modifications of the Second Schedule to the Delimitation of Parliamentary and Assembly Constituencies Order, 1956

1. In Part "6—MADHYA PRADESH", the Note at the end shall be numbered as "NOTE I" and the following shall be added thereto, namely:—

"NOTE II.—Any reference in column 3 of this Part to Bhanpura pargana of Mandsaur district shall be taken to mean the area comprised within that pargana on the 1st day of October, 1959."

2. In Part "11—RAJASTHAN", the following Note shall be added at the end, namely:—

"NOTE.—Any reference in column 3 of this Part to Bhensrorgarh tahsil of Chittor district shall be taken to mean the area comprised within that tahsil on the 1st day of October, 1959."

PART III

Modification of the Delimitation of Council Constituencies (Madhya Pradesh) Order, 1957

After the Table, the following Note shall be inserted, namely:—

"NOTE.—Any reference in column 2 of this Table to Indore Division shall be taken to mean the area comprised within that Division on the 1st day of October, 1959."

Assented to on 8-9-1959
THE CENTRAL EXCISES AND SALT (AMENDMENT) ACT, 1959

ACT No. 37 OF 1959)

AN
 ACT

further to amend the Central Excises and Salt Act, 1944.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:

1. *Short title and commencement.*—(1) This Act may be called the Central Excises and Salt (Amendment) Act, 1959.

(2) It shall be deemed to have come into force on the 1st day of July, 1959.

2. *Amendment of the First Schedule, Act I of 1944.*—In the First Schedule to the Central Excises and Salt Act, 1944,

(a) in Item No. 24, for the entry in the third column, the entry "Twenty naye paise per imperial gallon or sixteen per cent. *ad valorem*, whichever is higher, *plus* eighty naye paise per imperial gallon", shall be substituted;

(b) in Item No. 25,

(i) in sub-item (a), for the entry in the third column, the entry "Sixteen per cent *ad valorem plus* rupees fifty per ton" shall be substituted;

(ii) in sub-item (b), for the entry in the third column, the entry "Sixteen per cent *ad valorem plus* rupees fifteen per ton" shall be substituted;

(c) after Item No. 27, the following Item shall be inserted, namely:

"28. Asphalt and Bitumen (including Twenty-seven per cent *ad valorem*." cutback Bitumen and Asphalt) natural or produced from petroleum or shale.

Simla-4, the 30th January, 1958

No. L.R.16-12/58-1. The following Acts recently passed by the Parliament of India, and already published in the Gazette of India, Extraordinary part II, section 1, dated the 26th December, 1957 and 28th December, 1957 respectively, are hereby republished in the Himachal Pradesh Administration Gazette for the information of the general public:—

(1) The Preventive Detention (Continuance) Act, 1957 (No. 54 of 1957).

(2) The Delhi Development Act, 1957 (No. 61 of 1957).

LAKSHMAN DASS,
Assistant Secretary (Judicial).

Received assent on 24-12-1957

THE PREVENTIVE DETENTION (CONTINUANCE) ACT, 1957

(54 OF 1957)

AN
 ACT

to continue the Preventive Detention Act, 1950, for a further period.

Be it enacted by parliament in the Eighth Year of the Republic of India as follows:—

1. *Short title* This Act may be called the Preventive Detention (Continuance) Act, 1957.

2. *Amendment of section 1.* In sub-section (3) of section 1 of the Preventive Detention Act, 1950 (4 of 1950) for the figures, letters and words "31st day of December,

1957", the figures, letters and words "31st day of December, 1960" shall be substituted.

THE DELHI DEVELOPMENT ACT, 1957

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. The Delhi Development Authority.
4. Staff of the Authority.
5. Advisory Council.
6. Objects of the Authority.

CHAPTER III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. Civic survey of, and master plan for, Delhi.
8. Zonal development plans.
9. Submission of plans to the Central Government for approval.
10. Procedure to be followed in the preparation and approval of plans.
11. Date of operation of plans.

CHAPTER IV

DEVELOPMENT OF LANDS

12. Declaration of development areas and development of land in those and other areas.
13. Application for permission.
14. User of land and buildings in contravention of plans.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND

15. Compulsory acquisition of land.
16. Compensation for compulsory acquisition of land.
17. Appeal to the district judge against decision of the collector.
18. Disputes as to apportionment of the compensation.
19. Payment of compensation or deposit of the same in court.
20. Investment of the amount of compensation deposited in court.
21. Disposal of land by the Authority or the local authority concerned.
22. Nazul lands.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

23. Fund of the Authority.
24. Budget of the authority.
25. Accounts and audit.
26. Annual report.
27. Pension and provident funds.

CHAPTER VII

SUPPLEMENT AND MISCELLANEOUS PROVISIONS

28. Powers of entry.
29. Penalties.

30. Order of demolition of building.
31. Power to stop building operations.
32. Offences by companies.
33. Fines when realised to be paid to Authority or local authority concerned.
34. Composition of offences.
35. Default powers of Authority.
36. Power of Authority to require local authority to assume responsibility for amenities in certain cases.
37. Power of Authority to levy betterment charges.
38. Assessment of betterment charge by authority.
39. Settlement of betterment charge by arbitrators.
40. Payment of betterment charge.
41. Control by Central Government.
42. Returns and information.
43. Service of notices, etc.
44. Public notice how to be made known.
45. Notices, etc., to fix reasonable time.
46. Authentication of orders and documents of the Authority.
47. Members and officers to be public servants.
48. Jurisdiction of courts.
49. Sanction of prosecution.
50. Magistrate's power to impose enhanced penalties.
51. Protection of action taken in good faith.
52. Power to delegate.
53. Effect of other laws.
54. Savings.
55. Plans to stand modified in certain cases.
56. Power to make rules.
57. Power to make regulations.
58. Laying of rules and regulations before Parliament.
59. Dissolution of the Authority.
60. Repeal, etc. and savings.

Received Assent on 27-12-1957.

THE DELHI DEVELOPMENT ACT, 1957

(61 OF 1957)

AN

ACT

to provide for the development of Delhi according to plan and for matters ancillary thereto.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Delhi Development Act, 1957.
(2) It extends to the whole of the Union territory of Delhi.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “amenity” includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the Central Government may, by notification in the Official Gazette, specify to be an amenity for the purposes of this Act;

(b) “building” includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial

commercial or other purposes, whether in actual use or not;

(c) “building operations” includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(d) “development” with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) “development area” means any area declared to be a development area under sub-section (1) of section 12;

(f) “engineering operations” includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) “means of access” includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road;

(h) “regulation” means a regulation made under this Act by the Delhi Development Authority constituted under section 3;

(i) “rule” means a rule made under this Act by the Central Government;

(j) “to erect” in relation to any building includes—
(i) any material alteration or enlargement of any building,

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(iv) the conversion of two or more places of human habitation into a greater number of such places,

(v) such alterations of building as effect an alteration of its drainage or sanitary arrangements, or materially affect its security,

(vi) the addition of any rooms, buildings, houses or other structures to any building, and

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(k) “zone” means any one of the divisions in which Delhi may be divided for the purposes of development under this Act;

(l) the expression “land” and the expression “person interested” shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (1 of 1894).

CHAPTER II

THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. *The Delhi Development Authority.*—(1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Delhi Development Authority (hereinafter referred to as the Authority).

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:—

- (a) a chairman who shall be the Administrator of the Union territory of Delhi *ex-officio*;
- (b) a vice-chairman to be appointed by the Central Government;
- (c) a finance and accounts member to be appointed by the Central Government;
- (d) an engineer member to be appointed by the Central Government;
- (e) as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the councillors and aldermen of the Corporation from among themselves;
- (f) two representatives of the Advisory Committee in respect of the Union territory of Delhi constituted by the President by notification of the Government of India in the Ministry of Home Affairs, No. 19/30/56—SRI, dated the 8th November, 1956, to be elected by the members of that Committee from among themselves;
- (g) two other persons to be nominated by the Central Government; and
- (h) the Commissioner of the Municipal Corporation of Delhi, *ex-officio*.

(4) The vice-chairman, the finance and accounts member and the engineer member shall be whole-time paid members of the Authority and shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and governed by such conditions of service as may be determined by rules made in this behalf.

(5) The members specified in clause (e), clause (f) and clause (g) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf.

(6) The vice-chairman, the finance and accounts member, the engineer member and the two members referred to in clause (g) of sub-section (3) shall hold office during the pleasure of the Central Government and the two representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof.

(7) Save as provided in sub-section (8) a representative of the Municipal Corporation of Delhi shall hold office for a term of four years from the date of his election to the Authority and shall be eligible for re-election:

Provided that such term shall come to an end as soon as he ceases to be a councillor or an alderman of the said Corporation.

(8) A representative of the Municipal Corporation of Delhi elected under clause (e) of sub-section (3) to fill a casual vacancy shall continue in office for the remainder of the term of the member in whose place he is elected.

(9) A member other than an *ex-officio* member may resign his office by writing under his hand addressed to the Central Government but shall continue in office until his resignation is accepted by that Government.

(10) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy, or defect in the constitution of, the Authority.

4. *Staff of the Authority*—(1) The Central Government may appoint two suitable persons respectively as the secretary and the chief account officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or the chairman.

(2) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

5. *Advisory council*.—(1) The Authority shall, as soon as may be, constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and the zonal development plans and generally on the planning of development of Delhi and on such other matters arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The advisory council shall consist of the following members, namely:—

- (a) the chairman of the Authority, *ex-officio*, who shall be the president;
- (b) two persons with knowledge of town planning or architecture to be nominated by the Central Government;
- (c) one representative of the Health Services of Delhi Administration to be nominated by the Central Government;
- (d) four representatives of the Municipal Corporation of Delhi to be elected by the councillors and aldermen from among themselves;
- (e) three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee of the said Corporation, of whom—
 - (i) one shall be elected by the members of the Delhi Electric Supply Committee from among themselves;
 - (ii) one shall be elected by the members of the Delhi Transport Committee from among themselves; and
 - (iii) one shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves;
- (f) three persons to be nominated by the Central Government of whom one shall represent the interests of commerce and industry and one, the interests of labour, in Delhi;
- (g) four persons from the technical departments of the Central Government to be nominated by that Government; and
- (h) three members of Parliament of whom two shall be members of the House of the People and one shall be a member of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States.

(3) The Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(4) An elected member shall hold office for a term of four years from the date of his election to the council and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.

6. *Objects of the Authority*.—The objects of the authority shall be to promote and secure the development of Delhi according to plan and for that purpose to

Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law for the time being in force.

CHAPTER III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

7. *Civic survey of, and master plan for Delhi.*—(1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for Delhi.

(2) The master plan shall—

- (a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and
- (b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

8. *Zonal development plans.*—(1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

(2) A zonal development plan may—

- (a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;
- (b) specify the standards of population density and building density;
- (c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and
- (d) in particular, contain provisions regarding all or any of the following matters, namely:—
 - (i) the division of any site into plots for the erection of buildings;
 - (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
 - (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;
 - (v) the alignment of buildings on any site;
 - (vi) the architectural features of the elevation or frontage of any building to be erected on any site;

(vii) the number of residential buildings which may be erected on any plot or site;

(viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;

(x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

9. *Submission of plans to the Central Government for approval.*—(1) In this section and in sections 10, 11, 12 and 14 the word “plan” means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

10. *Procedure to be followed in the preparation and approval of plans.*—(1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local Authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

11. *Date of operation of plans.*—Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and

upon the date of the first publication of the aforesaid notice the plan shall come into operation.

CHAPTER IV

DEVELOPMENT OF LANDS

12. *Declaration of development areas and development of land in those and other areas.*—(1) As soon as may be after the commencement of this Act the Central Government after consultation with the Authority may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:

Provided that after the establishment of the Municipal Corporation of Delhi no such declaration shall be made except after consultation with that Corporation also.

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act no development of land shall be undertaken or carried out in any area by any person or body (including a department of Government) unless,

(i) where that area is a development area, permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act;

(ii) where that area is an area other than a development area, approval of, or sanction for, such development has been obtained in writing from the local authority concerned or any officer or authority thereof empowered or authorised in this behalf in accordance with the provisions made by or under the law governing such authority or until such provisions have been made, in accordance with the provisions of the regulations relating to the grant of permission for development made under the Delhi (Control of Building Operations) Act, 1955 (53 of 1955), and in force immediately before the commencement of this Act:

Provided that the local authority concerned may amend those regulations in their application to such area.

(4) After the coming into operation of any of the plans in any area no development shall be undertaken or carried out in that area unless such development in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

13. *Application for permission.* (1) Every person or body (including a department of Government) desiring to obtain the permission referred to in section 12 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations.

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or

in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

14. *User of land and buildings in contravention of plans.*—After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND

15. *Compulsory acquisition of land.*—(1) If in the opinion of the Central Government any land is required for the purpose of development, or for any other purpose, under this Act, the Central Government may acquire such land by publishing in the Official Gazette a notice specifying the particular purpose for which such land is required and stating that the Central Government has decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the Central Government shall by another notice call upon the owner of the land and any other person who in the opinion of the Central Government may be interested therein, to show cause within such time as may be specified in the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the Central Government may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the Official Gazette, the land shall on and from the date of such publication, vest absolutely in the Central Government free from all encumbrances.

(5) Where any land is vested in the Central Government under sub-section (4), the Central Government may, by notice in writing, order any person who may be

in possession of the land to surrender or deliver possession thereof to that Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the Central Government may take possession of the land and may for that purpose use such force as may be necessary.

(7) Where the land has been acquired for the Authority or any local authority, the Central Government shall, after it has taken possession of the land and on payment by the Authority or the local authority concerned of the amount of compensation determined under section 16 and of the other charges incurred by the Government in connection with the acquisition, transfer the land to the Authority or that local authority for the purpose for which the land has been acquired.

16. Compensation for compulsory acquisition of land.—

(1) Where any land is acquired by the Central Government under this Act, the Central Government shall pay for such acquisition, compensation the amount of which shall be determined in accordance with provisions of this section.

(2) Where the amount of compensation can be determined by agreement between the Central Government and the person to be compensated, it shall be determined in accordance with such agreement.

(3) Where no such agreement can be reached, the Central Government shall refer the case to the collector for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) Before finally determining the amount of compensation, the collector shall give an opportunity to every person to be compensated to state his case as to the amount of compensation.

(5) In determining the amount of compensation, the collector shall be guided by the following principles, namely:—

(a) no allowance shall be made on account of the acquisition being compulsory;

(b) the value of the land shall be taken to be—

(i) the market value of the land on the date on which the notice calling upon the owner to show cause why the land should not be acquired is issued under sub-section (2) of section 15 (hereinafter referred to as 'the date of notice'), such market value being determined on the basis of the use of the land on that date, or

(ii) an amount equal to the sum total of the three following amounts, that is to say, an amount equal to the market value of the land on the 1st day of October, 1955, such market value being determined on the basis of the use of the land on that date, an amount equal to twenty-five per cent of the increase, if any, (not including, however, any increase consequent on any development carried out on the land) in the market value of the land during the period between the 1st day of October, 1955, and the date of notice, and an amount which in the opinion of the collector represents the reasonable cost of development, if any, (including in the case of agricultural land, the cost of any improvement carried out thereon in the course of agricultural operations) carried out on the land during that period,

whichever is less;

(c) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it would be applied only in pursuance of statutory powers, or for which there is not a market apart from the special needs of a particular purchaser or the requirements of any department of Government or any local or public authority;

(d) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises, or to public health, the amount of that increase shall not be taken into account.

(6) For the purpose of determining the amount of compensation—

(a) the collector shall have the power to require any person to deliver to him such returns and assessments as he considers necessary;

(b) the collector shall also have the power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the name of every other person having any interest in the land as co-owner, mortgagee, tenant or otherwise, and the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

(7) Every person required to deliver a return, assessment or statement under sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860).

(8) The collector may hear expert witnesses if it be necessary to do so in any particular case.

(9) The collector shall be entitled to enter on and inspect any land which is the subject of proceedings before him.

(10) The collector shall dispose of every case referred to him under sub-section (3) for determination of compensation as expeditiously as possible and in any case within such time as may be prescribed by rules.

(11) The collector shall determine the amount of costs incurred in any case disposed of by him under this section, and by what persons and in what proportions they are to be paid.

17. Appeal to the district judge against decision of the collector.—(1) Any person aggrieved by the decision of the collector determining the amount of compensation may within sixty days from the date of such decision appeal to the court of the district judge of Delhi.

(2) The decision of the court of the district judge on such appeal, and subject only to such decision, the decision of the collector determining the amount of compensation shall be final and shall not be questioned in any court.

18. Disputes as to apportionment of the compensation.—— If any dispute arises as to the apportionment of compensation among persons claiming to be entitled thereto the Central Government shall refer such dispute for the decision of the court of the district judge of Delhi the decision of that court thereon shall be final.

19. Payment of compensation or deposit of the same in court.—(1) Where the amount of compensation is determined by agreement, the Central Government shall pay such amount to the person or persons entitled thereto

(2) Where the amount of compensation is determined by the collector under the provisions of section 16, the Central Government shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(3) If the persons entitled to compensation according to the decision of the collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any dispute as to the title to receive the compensation, the Central Government shall deposit the amount of the compensation in the court of the district judge of Delhi:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation:

Provided further that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation determined under this Act, to pay the same to the person lawfully entitled thereto.

20. Investment of the amount of compensation deposited in court.—Where any amount of compensation has been deposited in court under section 19, the court may either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such amount has been deposited or as near thereto as may be.

21. Disposal of land by the Authority or the local authority concerned.—(1) Subject to any directions given by the Central Government under this Act the Authority or, as the case may be, the local authority concerned may dispose of—

- (a) any land acquired by the Central Government and transferred to it, without undertaking or carrying out any development thereon; or
- (b) any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The powers of the Authority or, as the case may be, the local authority concerned with respect to the disposal of land under sub-section (1) shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on the land shall, if they desire to obtain accommodation on land belonging to the Authority or the local authority concerned and are willing to comply with any requirements of the Authority or the local authority concerned as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority or the local authority concerned proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its develop-

ment and use as the Authority or the local authority concerned may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

22. Nazul lands.—(1) The Central Government may, by notification in the Official Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped lands in Delhi vested in the Union (known and hereinafter referred to as "nazul lands") for the purpose of development in accordance with the provisions of this Act.

(2) No development of any nazul land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such nazul land has been developed by, or under the control and supervision of, the Authority, it shall be dealt with by the Authority in accordance with rules made and directions given by the Central Government in this behalf.

(4) If any nazul land placed at the disposal of the Authority under sub-section (1) is required at any time thereafter by the Central Government, the Authority shall, by notification in the Official Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

23. Fund of the Authority.—(1) The Authority shall have and maintain its own fund to which shall be credited—

- (a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or otherwise;
- (b) all fees and charges received by the Authority under this Act;
- (c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and
- (d) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Central Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Central Government.

(4) The Central Government may, after due appropriation made by Parliament by law in this behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Central Government may determine.

24. Budget of the Authority.—The Authority shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

25. Accounts and audit.—(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribe in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be subject to audit annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause a copy of the same to be laid before both Houses of Parliament.

26. Annual report.—The Authority shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and that Government shall cause a copy of the report to be laid before both Houses of Parliament.

27. Pension and provident funds.—(1) The Authority shall constitute for the benefit of its whole time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund as if it were a Government Provident Fund.

CHAPTER VII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

28. Powers of entry.—The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of—

- (a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;
- (b) examining works under construction and ascertaining the course of sewers and drains;
- (c) digging or boring into the sub soil;
- (d) setting out boundaries and intended lines of work;
- (e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted; or

(g) doing any other thing necessary for the efficient administration of this Act:

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

29. Penalties.—(1) Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in contravention of the provisions of section 14 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees.

(3) Any person who obstructs the entry of a person authorised under section 28 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

30. Order of demolition of building.—(1) Where the erection of any building in any development area has been commenced, or is being carried on, or has been completed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue:

Provided that no such order shall be made unless the owner has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the chairman of the Authority against

that order within thirty days from the date thereof; and the chairman may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order.

(3) The decision of the chairman on the appeal and subject only to such decision the order under sub-section (1), shall be final and shall not be questioned in any court.

31. Power to stop building operations.—(1) Where the erection of any building in any area has been commenced in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 12 or in contravention of any condition subject to which such permission, approval or sanction has been granted, but such erection has not been completed, the Authority in relation to a development area and the local authority concerned or any officer or authority thereof empowered or authorised in this behalf, in relation to an area other than a development area, may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order.

(2) Where such building operations are not discontinued in pursuance of the requisition under sub-section (1), the Authority or, as the case may be, the local authority concerned or the officer or authority thereof authorised or empowered as aforesaid, may require any police officer to remove the person by whom the erection of the building has been commenced and all his assistants and workmen from the place of the building within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

(3) After a requisition under sub-section (2) has been complied with, the Authority or, as the case may be, the local authority concerned or the officer or authority thereof authorised or empowered as aforesaid may, depute by a written order a police officer or an officer or employee of the Authority or of local authority concerned, to watch the place in order to ensure that the erection of the building is not continued.

(4) Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(5) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the discontinuance of the erection of any building.

32. Offences by Companies.—(1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is

attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm means a partner in the firm.

33. Fines when realised to be paid to Authority or local authority concerned.—All fines realised in connection with prosecutions under this Act shall be paid to the Authority or, as the case may be, the local authority concerned.

34. Composition of offences.—(1) The Authority or as the case may be, the local authority concerned or any person authorised by the Authority or such local authority by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

35. Default powers of Authority.—(1) If the Authority after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that the owner of any land in a development area has failed to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, it may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then, the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section the Authority shall afford reasonable opportunity to the owner of the land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Central Government may by order fix, from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner as arrears of land revenue.

36. Power of Authority to require local authority to assume responsibility for amenities in certain cases.—Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the Central Government in consultation with the local authority on a reference of the matter to that Government by the Authority.

37. Power of Authority to levy betterment charges.—
(1) Where as a consequence of any development scheme having been executed by the Authority in any area, the value of any property in that area, in the opinion of the Authority has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development scheme.

(2) Such betterment charge shall be an amount equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner.

38. Assessment of betterment charge by authority.—

(1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 37.

(2) The authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) if the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 39.

39. Settlement of betterment charge by arbitrators.—

(1) For the determination of the matter referred to in sub-section (4) of section 38, the Central Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land.

(2) The arbitrators shall follow such procedure as may be prescribed by rules made in this behalf.

(3) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(4) If any arbitrator dies, resigns, or is removed under sub-section (5) or refuses, or neglects in the opinion of the Central Government to perform his duties or becomes incapable of performing the same, then the Central Government shall forthwith appoint another fit person to take the place of such arbitrator.

(5) If the Central Government is satisfied after such inquiry as it thinks fit—

- (a) that an arbitrator has misconducted himself, the Central Government may remove him from his office;
- (b) that the award of the arbitrators has been improperly procured or that any arbitrator has

misconducted himself in connection with such award, the Central Government may set aside the award.

(6) An award which has not been set aside by the Central Government under clause (b) of sub-section (5) shall be final and shall not be questioned in any court.

(7) The provisions of the Arbitration Act, 1940 (10 of 1940), shall not apply to arbitration under this section.

40. Payment of betterment charge.—(1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by regulations made in this behalf.

(2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

41. Control by Central Government.—(1) The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Central Government the decision of the Central Government on such dispute shall be final.

42. Returns and information.—The Authority shall furnish to the Central Government such reports, returns and other information as that Government may from time to time require.

43. Service of notices, etc.—(1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served—

- (a) where the person to be served is a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—
 - (i) sent by registered post, or
 - (ii) delivered at the registered office or at the principal office or place of business of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—
 - (i) sent by registered post, or
 - (ii) delivered at the said place of business;
- (c) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—
 - (i) sent by registered post, or
 - (ii) delivered at that office;
- (d) in any other case, if the document is addressed to the person to be served and—
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the Union territory of Delhi or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or
 - (iii) is sent by registered post to that person.

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or
- (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) A servant is not a member of the family within the meaning of this section.

44. *Public notice how to be made known.*—Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

45. *Notices, etc., to fix reasonable time.*—Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

46. *Authentication of orders and documents of the Authority.* All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf.

47. *Members and officers to be public servants.*—Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

48. *Jurisdiction of courts.* No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

49. *Sanction of prosecution.*—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or as the case may be, the local authority concerned or any officer authorised by the Authority or such local authority in this behalf.

50. *Magistrate's power to impose enhanced penalties.*—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (5 of 1898) it shall be lawful for any court of a magistrate of the first class to pass any sentence authorised by this Act in excess of its powers under the said section.

51. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

52. *Power to delegate.*—The Authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by such officer or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

53. *Effect of other laws.*—(1) Nothing in this Act shall affect the operation of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956).

(2) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(3) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;

(b) when permission for such development has not been obtained under this Act such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

54. *Savings.*—Nothing in this Act shall apply to—

(a) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(b) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agriculture;

(d) the erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi* on land which at the commencement of this Act is occupied by or for the purpose of such worship, tomb, cenotaph, graveyard or *samadhi*;

(e) the excavations (including wells) made in the ordinary course of agricultural operations; and

(f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

55. Plans to stand modified in certain cases.—(1) Where any land situated in any area in Delhi is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of operation of the plan under section 11 or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired under the provisions of this Act or, as the case may be, of any other law relating to acquisition of immovable property, by the Authority for the time being charged with the development of the area in which the land is situated, the owner of the land may serve on the authority a notice requiring his interest in the land to be so acquired.

(2) If the authority for the time being charged with the development of the area fails to acquire the land within a period of six months from the date of receipt of the notice the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

56. Power to make rules.—(1) The Central Government, after consultation with the Authority, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3;
- (b) the qualifications and disqualifications for being chosen as, and for being, members of the Authority or the Advisory Council;
- (c) the salaries, allowances and conditions of service of the whole-time paid members of the Authority;
- (d) the control and restrictions in relation to appointment of officers and other employees;
- (e) the form and content of the master plan and zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication, of the notice relating to any such plan in draft;
- (f) the local inquiries and other hearings that may be held before a plan is approved;
- (g) the periodical amendment of the master plan and zonal development plan, the period at the expiration on which such amendment may be taken up, the procedure to be followed in making such amendment and the date of operation of such amendment;
- (h) the fee to be paid on an application for permission under sub-section (1) of section 13 and the factors and circumstances to be taken into consideration in determining such fee;
- (i) the time within which cases referred to the collector under sub-section (3) of section 16 for determination of compensation shall be disposed of;

- (j) the manner in which nazul lands shall be dealt with after development;
- (k) the procedure for referring any matter to the Central Government under section 36 for settlement of terms and conditions subject to which a local authority may be required to assume responsibility for amenities in any area;
- (l) the procedure to be followed by arbitrators in the determination of betterment charge;
- (m) the sum of money that may be kept in current account;
- (n) the form of the budget of the Authority and the manner of preparing the same;
- (o) the form of the balance-sheet and statement of accounts;
- (p) the form of the annual report and the date on or before which it shall be submitted to the Central Government;
- (q) the manner of constitution of the pension and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;
- (r) any other matter which has to be, or may be, prescribed by rules.

57. Power to make regulations.—(1) The Authority may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

- (a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;
- (b) the powers and duties of the secretary and chief accounts officer of the Authority;
- (c) the salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;
- (d) the procedure for the carrying out of the functions of the Authority under Chapter III;
- (e) the form in which any application for permission under sub-section (1) of section 13 shall be made and the particulars to be furnished in such application;
- (f) the terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;
- (g) the manner of publication of the notice under section 15;
- (h) the manner of communicating the grounds of refusal of permission for development;
- (i) the form of the register of applications for permission and the particulars to be contained in such register;
- (j) the management of the properties of the Authority;
- (k) the time and manner of payment of betterment charge; and
- (l) any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

58. Laying of rules and regulations before Parliament.—All rules and regulations made under this Act shall

be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

59. *Dissolution of the Authority.*—(1) Where the Central Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Central Government unnecessary, that Government may by notification in the Official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(2) From the said date—

- (a) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by the Central Government;
- (b) all nazul lands placed at the disposal of the Authority shall revert to the Central Government;
- (c) all liabilities which are enforceable against the Authority shall be enforceable against the Central Government; and
- (d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Central Government.

60. *Repeal, etc., and savings.*—(1) As from the date of the constitution of the Authority,—

- (a) the United Provinces Town Improvement Act, 1919 (U.P. Act VIII of 1919) shall cease to have effect in the Union territory of Delhi; and
- (b) the Delhi (Control of Building Operations) Act, 1955 (53 of 1955) shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1)—

- (a) every officer and other employee serving under the Delhi Improvement Trust or the Delhi Development (Provisional) Authority immediately before the date of the constitution of the Authority shall, on and from such date, be transferred to and become an officer or other employee of the Authority with such designations

as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it:

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly;

- (b) anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye-law, regulation or form made, granted or issued) under any of the aforesaid Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions;
- (c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority;
- (d) all properties movable and immovable vested in the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall vest in the Authority;
- (e) all rents, fees and other sums of money due to the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to be due to the Authority;
- (f) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the Delhi Improvement Trust or the Delhi Development (Provisional) Authority may be continued or instituted by, for or against the Authority.